

IN THE COURT OF COMMON PLEAS
HURON COUNTY, OHIO

STATE OF OHIO ex rel.
ATTORNEY GENERAL
DAVE YOST
30 E Broad St., 14th Floor
Columbus, Ohio 43215

Plaintiff,

v.

FIRELANDS AUTO SALES LLC
c/o Zachary Perry, Statutory Agent
1026 Union St.
Ashland, Ohio 44805

Defendant.

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: Case No. CVH20260356
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: Judge
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: **COMPLAINT FOR DECLARATORY**
: **JUDGMENT, INJUNCTIVE RELIEF,**
: **RESTITUTION, CIVIL PENALTIES,**
: **AND OTHER APPROPRIATE RELIEF**
:

JURISDICTION

1. Plaintiff, State of Ohio, through Attorney General Dave Yost, having reasonable cause to believe that violations of Ohio's consumer protection laws have occurred, brings this action in the public interest and on behalf of the State of Ohio under the authority vested in the Attorney General by R.C. 1345.07 of the Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 et seq.
2. The actions described below of Defendant Firelands Auto Sales LLC ("Defendant") have occurred in the State of Ohio, including in Huron County, and, as set forth below, are in violation of the CSPA, R.C. 1345.01 et seq., and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq.
3. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.

4. This court has venue to hear this case pursuant to Ohio Civ.R. 3(C)(2) and (3), in that Huron County is where Defendant both had its principal place of business and conducted some of the activity that gave rise to Plaintiff's claims for relief.

DEFENDANTS

5. Defendant is an Ohio limited liability corporation registered with the Ohio Secretary of State, and its principal place of business is located at 501 Donnenwirth Drive, Plymouth, Ohio 44865.
6. Defendant is licensed by the Ohio Bureau of Motor Vehicles ("BMV") as a used motor vehicle dealer, permit number UD023239.
7. Within the meanings specified in R.C. 1345.01(A), (C), and (D), Defendant is a "supplier" as Defendant, at all times relevant herein, was engaged in the business of effecting or soliciting "consumer transactions" by soliciting and selling goods or services to individual "consumers" for purposes that were primarily personal, family, or household.

STATEMENT OF FACTS

8. Defendant, at all times relevant herein, displayed, offered for sale, and sold used motor vehicles to consumers.
9. Defendant applied for its used motor vehicle dealer license on or around August 2, 2019.
10. Along with its application for a used motor vehicle dealer license, Defendant submitted to the BMV a surety bond, Bond No. 64714342, issued by Western Surety Company on July 10, 2019.
11. The surety bond described in Paragraph 10 expired on July 10, 2020.
12. Defendant did not renew its surety bond with Western Surety Company or any other surety

company authorized to do business in the state of Ohio.

13. In at least one instance, Defendant displayed, offered for sale, and sold a used motor vehicle to a consumer without having obtained a certificate of title for the vehicle in the Defendant's name.
14. In at least one instance, Defendant failed to file an application for certificate of title within thirty days after the assignment or delivery of the motor vehicle to the consumer.
15. In at least one instance, Defendant failed to obtain a title in the name of the consumer within forty days after the sale of the vehicle to the consumer.
16. As a result of Defendant's conduct, at least one consumer was unable to obtain a certificate of title for the used motor vehicle that they purchased from Defendant.
17. At least one consumer who could not obtain a certificate of title for the used motor vehicle that they purchased from Defendant filed a complaint with the Ohio Attorney General's Office concerning the same.
18. The Attorney General's Office made payouts from its Title Defect Recision ("TDR") Fund to resolve consumer complaints.
19. Defendant did not post a surety bond with the Attorney General's Office after the TDR payouts were made to its retail purchasers.
20. At the time of filing of this Complaint, the outstanding liability to the TDR Fund, incurred as a result of Defendant's failure to transfer motor vehicle titles to consumers, totals \$3,735.98.

CAUSE OF ACTION: VIOLATIONS OF THE CSPA AND THE CERTIFICATE OF

MOTOR VEHICLE TITLE ACT

Count 1—Failure to File Applications for Certificates of Title

21. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the previous paragraphs of this Complaint.
22. Defendant engaged in unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), by failing to file applications for certificates of title within thirty days after the assignment or delivery of motor vehicles, as required by R.C. 4505.06(A)(5)(b).
23. Such acts or practices have been previously determined by Ohio courts to violate the CSPA. Defendant committed said violations after such decisions were made available for public inspection pursuant to R.C. 1345.05(A)(3).

Count 2—Failure to Transfer Title

24. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the previous paragraphs of this Complaint.
25. Defendant engaged in unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), by selling motor vehicles to consumers and failing to obtain titles in the name of motor vehicle retail purchasers on or before the fortieth day after the date of the sale, as required by R.C. 4505.181(B)(1).
26. Such acts or practices have been previously determined by Ohio courts to violate the CSPA. Defendant committed said violations after such decisions were made available for public inspection pursuant to R.C. 1345.05(A)(3).

Count 3—Failure to Obtain a Surety Bond

27. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the previous paragraphs of this Complaint.
28. Defendant engaged in unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), by failing to post with the attorney general's office a surety bond in favor of the state in an amount not less than twenty-five thousand dollars following the payment to a retail purchaser by the attorney general's office from the Title Defect Recision Fund, as required by R.C. 4505.181(A)(2).
29. Such acts or practices have been previously determined by Ohio courts to violate the CSPA. Defendant committed said violations after such decisions were made available for public inspection pursuant to R.C. 1345.05(A)(3).

Count 4—Failure to Maintain a Surety Bond

30. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the previous paragraphs of this Complaint.
31. Defendant engaged in unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), for failing to maintain a surety bond during the entire period for which a used motor vehicle dealer's license is held, as required by the Net Worth and Bond Rule, Adm.Code 4501:1-3-11(D)(4).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

- A. ISSUE A PERMANENT INJUNCTION, pursuant to R.C. 1345.07(A)(2), enjoining Defendant, its agents, representatives, salespeople, employees, successors, or assigns, and

all persons acting in concert and participation with it, directly or indirectly, from committing any unfair, deceptive, or unconscionable acts or practices that violate the CSPA, R.C. 1345.01 et seq., and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq., including, but not limited to, violating the specific provisions alleged to have been violated herein.

- B. ISSUE A DECLARATORY JUDGMENT, pursuant to R.C. 1345.07(A)(1), declaring that each act or practice complained of herein violates the CSPA, R.C. 1345.01 et seq., and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq., in the manner set forth in this Complaint.
- C. ORDER Defendant, pursuant to R.C. 1345.07(B), to pay damages to all consumers injured by Defendant's conduct.
- D. ORDER Defendant, pursuant to R.C. 1345.07(B) and R.C. 1345.52, to repay the TDR Fund the outstanding funds paid to resolve title defects caused by Defendant's conduct.
- E. ASSESS, FINE, AND IMPOSE upon Defendant a civil penalty of \$25,000.00 for each separate and appropriate violation of the CSPA pursuant to R.C. 1345.07(D).
- F. ISSUE AN INJUNCTION prohibiting Defendant from both engaging in business as a supplier in any consumer transaction in the State of Ohio and from maintaining, renewing, or applying for a motor vehicle dealer or salesperson license under Chapter 4517 of the Revised Code until such time as it has 1) satisfied all monetary obligations ordered by this Court, and any other court in Ohio, in connection with a consumer transaction and 2) posted the surety bonds required by R.C. 4505.181(A)(2) and Adm.Code 4501:1-3-11.
- G. GRANT Plaintiff its costs in bringing this action including, but not limited to, the costs of

collecting on any judgment awarded.

- H. ORDER Defendant to pay all court costs.
- I. GRANT such other relief as the Court deems to be just, equitable, and appropriate.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

/s/ Emily G. Dietz
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