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Mike Foley
CLERK OF COURTS MONTGOMERY COUNTY OHIO

IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY, OHIO

STATE OF OHIO ex rel. ATTORNEY GENERAL D. ANDREW WILSON 30 E Broad St., 14th Floor Columbus, Ohio 43215	:	Case No.
Plaintiff,	:	Judge
v.	:	
AARON NICHOLSON, individually and dba Nicholson Auto Group LLC 6523 Pheasant Valley Rd. Dayton, Ohio 45424	:	**COMPLAINT FOR DECLARATORY JUDGMENT, INJUNCTIVE RELIEF, RESTITUTION, CIVIL PENALTIES, AND OTHER APPROPRIATE RELIEF**
Defendant.	:	

JURISDICTION

1. Plaintiff, State of Ohio, through Attorney General D. Andrew Wilson, 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 Aaron Nicholson, individually and dba Nicholson Auto Group LLC ("Nicholson" or "Defendant") have occurred in the State of Ohio, including in Montgomery 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 CPSA.

4. This Court has venue to hear this case pursuant to Ohio Civ.R. 3(C)(1), in that Montgomery County is where Defendant Nicholson resides.

DEFENDANT

5. Defendant Nicholson is a natural person residing at 6523 Pheasant Valley Road, Dayton, Ohio 45424.

6. In 2018, Defendant Nicholson registered "Nicholson Auto Group LLC" as a fictious business name with the Ohio Secretary of State; however, Nicholson Auto Group LLC was not registered as a limited liability corporation. The fictious name registration expired in 2023.

7. Also in 2018, Defendant Nicholson, using the name "Nicholson Auto Group LLC," applied for and obtained a used motor vehicle dealer license from the Ohio Bureau of Motor Vehicles ("BMV"), permit number UD022526.

8. The dealer license referenced in Paragraph 7 is still active and held by "Nicholson Auto Group LLC."

9. 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

10. Defendant, at all times relevant herein, displayed, offered for sale, and sold used motor vehicles to consumers.

11. Defendant handwrote the dealer name "Nicholson Auto Group LLC" or "Nicholson Auto Group" on the bills of sale that were given to consumers following their purchase of a used motor vehicle from Defendant.

12. Defendant signed consumers' bills of sale as the "salesman."

13. In some instances, 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 his name.

14. In some instances, Defendant failed to file an application for certificate of title within thirty days after the assignment or delivery of the motor vehicle.

15. In some instances, 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 two consumers were unable to obtain a certificate of title for the used motor vehicles that they purchased from Defendant.

17. At least two consumers who could not obtain a certificate of title for the used motor vehicles that they purchased from Defendant filed a complaint with the Ohio Attorney General's Office.

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 $8,234.50.

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).

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, doing business under his own name, the name Nicholson Auto Group LLC, the name Aaron Nicholson Auto Group LLC, or any other names, his agents, representatives, salespeople, employees, successors, or assigns, and all persons acting in concert and participation with him, 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 he 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 bond required by R.C. 4505.181(A)(2).

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,

D. ANDREW WILSON
Ohio Attorney General

/s/ Emily G. Dietz
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