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Cleveland, Ohio 44113

Court of Common Pleas

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By: REBECCA F. SCHLAG 0061897

Confirmation Nbr. 658893

STATE OF OHIO, OHIO ATTORNEY GENERAL
MICHAEL DEWIN

CV 16 858294

VS.

CHAMPION MARKETING GROUP, LLC, ET AL

Judge:

TIMOTHY MCCORMICK

Pages Filed: 6

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

**STATE OF OHIO, ex rel.
MICHAEL DEWINE
Ohio Attorney General
Cleveland Regional Office
615 W. Superior Avenue, 11th Floor
Cleveland, Ohio 44113-1899**

Plaintiff,

-vs-

**Champion Marketing Group, LLC
4489 W. 130th St.
Cleveland, OH 44134**

and

**Patricia A. DeCapua
590 Parkside Dr.
Bay Village, OH 44140**

Defendants

CASE NO.

JUDGE

**COMPLAINT FOR DECLARATORY
JUDGMENT, INJUNCTIVE RELIEF,
RESTITUTION, CIVIL PENALTIES
AND OTHER APPROPRIATE RELIEF**

JURISDICTION AND VENUE

1. Plaintiff, State of Ohio, by and through the Attorney General of Ohio, Michael DeWine, 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 him by the Ohio Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*

2. The actions of Defendants, hereinafter described, have occurred in the State of Ohio and in Cuyahoga County as well as other Ohio counties, and 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. Defendants, as described below, are “supplier[s]” as that term is defined in R.C. 1345.01(C) as Defendants were, at all times relevant herein, engaged in the business of effecting or soliciting “consumer transactions” as that term is defined in R.C. 1345.01(A).

4. Defendants, as described below, engaged in “consumer transactions” by offering for sale, selling or financing the purchase of used motor vehicles to individuals for purposes that were primarily personal, family or household within the meaning specified in R.C. 1345.01(A) and (D).

5. The actions of Defendants, hereinafter described, have occurred in the State of Ohio and Cuyahoga County.

6. This Court has jurisdiction over the subject matter of this action pursuant to R.C. 1345.04 of the CSPA.

7. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(1)- (3), in that Defendants reside in, operated their business from, and engaged in the transactions complained of herein in Cuyahoga County, Ohio.

STATEMENT OF FACTS

8. Defendant Champion Marketing Group, LLC (“Champion Marketing”) is an Ohio limited liability company registered with the Ohio Secretary of State since April 1, 2009, most currently operating from an address at 4489 W. 130th St., Cleveland, OH 44134,.

9. Defendant Patricia A. DeCapua is a natural person and the Agent/Incorporator of Champion Marketing Group, LLC, whose address is 590 Parkside Dr., Bay Village, Ohio

44140.

10. Defendant DeCapua has an ownership interest in and operated Defendant Champion Marketing and dominated, controlled and directed the business activities and sales conduct of Champion Marketing and exercised the authority to establish, implement or alter the policies of Champion Marketing, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.

11. Defendants were at all times relevant to this action engaged in the business of soliciting, promoting, purchasing, selling, financing and collecting the proceeds of the sales of used motor vehicles from their location in Cleveland to consumers residing in Cuyahoga and other Ohio counties.

12. Defendants, operating under the name Champion Marketing Group, LLC, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.

13. At all times relevant hereto, Defendants held license #UD0186561 issued by the State of Ohio under R.C. 4517.01 *et seq.*, allowing them to engage in the business of displaying or selling used motor vehicles.

14. At all times relevant hereto, Defendants were displaying or selling used motor vehicles at addresses associated with Champion Marketing, including its last known location on 4489 W. 130th St., Cleveland, OH 44135; as well as previous locations at 3540 W. 140th St., Cleveland, OH 44111; 16001 Lorain Ave., Cleveland, OH 44111; 3504 Stanford, Cleveland, OH 44109 and 165 Yorkshire Rd., Elyria, OH 44035.

15. Defendants failed to file applications for certificates of title within thirty (30) days after the assignment or delivery of motor vehicles.

16. Defendants failed to obtain certificates of title on or before the fortieth (40th) day after the sale of motor vehicles.

17. Title Defect Rescission ("TDR") consumer claims totaling Thirteen thousand, nine hundred twenty-seven dollars (\$13,927) thus far have been paid from the TDR Fund, administered by the Ohio Attorney General's Office, after Defendants failed to obtain certificates of title on or before the fortieth (40th) day after the sale of motor vehicles.

**VIOLATIONS OF THE CERTIFICATE OF MOTOR VEHICLE TITLE ACT
AND CSPA**

18. Plaintiff incorporates by reference, as if fully rewritten herein, the allegations set forth in paragraphs one through seventeen (1-17) of this Complaint.

19. Defendants engaged in unfair and deceptive acts and practices in violation of the CSPA, R.C. 1345.02 by failing to file applications for certificates of title within thirty (30) days after the assignment of delivery of motor vehicles as required by R.C. 4505.06(A)(5)(b).

20. Defendants committed unfair and deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), by selling motor vehicles to consumers, in the ordinary course of business, and then failing to obtain certificates of title on or before the fortieth (40th) day of sale of the motor vehicles as required by R.C. 4505.181(B)(1).

21. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 *et seq.* The Defendants committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

A. ISSUE A DECLARATORY JUDGMENT 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;

- B. **ISSUE PERMANENT INJUNCTIVE RELIEF** enjoining Defendants, under these or any other names, and their officers, agents, servants, representatives, salespersons, employees, successors and assigns and all persons acting in concert or participation with Defendants, directly or indirectly, from further violating the CSPA, R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*
- C. **ORDER** Defendants jointly and severally liable for reimbursement to all consumers found to have been damaged by the Defendants' unfair and deceptive acts and practices, and motor vehicle title violations.
- D. **ORDER** Defendants jointly and severally liable for reimbursement to the TDR Fund for funds expended to resolve title defects caused by Defendants' motor vehicle title violations.
- E. **ASSESS, FINE AND IMPOSE** upon Defendants, jointly and severally, a civil penalty of Twenty-Five Thousand Dollars (\$25,000.00) for each appropriate unfair or deceptive act alleged in the Complaint, pursuant to R.C. 1345.01(D).
- F. **ASSESS, FINE AND IMPOSE** upon Defendants, jointly and severally, an additional civil penalty of not more than Two Hundred Dollars (\$200.00) for each violation of the Certificate of Motor Vehicle Title Act, pursuant to R.C. 4505.99.
- G. **ORDER**, as a means of ensuring compliance with this Court's Order and with the consumer protection laws of Ohio, Defendants maintain in their possession and

control for a period of Five (5) years all business records relating to the Defendants' solicitation and sale of used motor vehicles in Ohio and to permit the Ohio Attorney General or his representative, upon reasonable twenty-four (24) hour notice, to inspect and/or copy any and all records.

- H. ORDER** that the Defendants be enjoined from engaging in consumer transactions as suppliers in the State of Ohio until they have satisfied all restitution, civil penalties, Attorney General costs to investigate and prosecute this action, and any court costs ordered.
- I. ORDER** that Defendant DeCapua be prohibited from applying for or granted a salesperson or auto dealer license under R.C. 4517.
- J. ORDER** Defendants, jointly and severally, to pay all court costs.
- K. GRANT** Plaintiff his costs in bringing this action and such further relief as the Court deems to be just, equitable and appropriate.

Respectfully submitted,

MICHAEL DeWINE
OHIO ATTORNEY GENERAL



REBECCA F. SCHLAG (0061897)
Senior Assistant Attorney General
Consumer Protection Section
Cleveland Regional Office
615 W. Superior Ave., 11th FL
Cleveland, OH 44113-1899
(216) 787-3030
Trial counsel for Plaintiff State of Ohio
Rebecca.Schlag@OhioAttorneyGeneral.gov

