

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

CV

2013 07 2057

STATE OF OHIO, ex rel.
ATTORNEY GENERAL
MICHAEL DEWINE
30 East Broad Street, 14th Floor
Columbus, Ohio 43215

CASE NO:

JUDGE:

MARY L. SWAIN
BUTLER COUNTY
CLERK OF COURTS

PLAINTIFF,

FILED BUTLER CO.
COURT OF COMMON PLEAS

v.

**COMPLAINT, REQUEST FOR
DECLARATORY AND INJUNCTIVE
RELIEF, CONSUMER DAMAGES,
CIVIL PENALTIES, AND OTHER
APPROPRIATE RELIEF**

FALCON AUTO SALES INC.
d/b/a/ EXTREME IMPORTS
6416 Dixie Hwy
Fairfield, Ohio 45014

and

MOHAMMED ALBARBARAWI
4855 Brantford Ct.
West Chester, Ohio 45069

DEFENDANT

JURISDICTION AND VENUE

1. Plaintiff, State of Ohio, by and through counsel, 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 R.C. 1345.07.
2. The actions of Defendants, Falcon Auto Sales Inc. and Mohammed Albarbarawi ("Defendants") hereinafter described, have occurred in the State of Ohio, and as set forth below are in violation of the Consumer Sales Practices Act, R.C. 1345.01 et seq.

3. Jurisdiction over the subject matter lies with this Court pursuant to the Consumer Sales Practices Act, R.C. 1345.04.
4. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(2), as Defendants have their principal place of business in Butler County.

DEFENDANTS

5. Defendant Falcon Auto Sales Inc. ("Falcon") is a for-profit corporation with its principal place of business at 6416 Dixie Highway, Fairfield, Ohio 45014.
6. Defendant Falcon at times did business under the registered trade name "Extreme Imports."
7. Defendant Mohammed Albarbarawi ("Albarbarawi") is the owner and operator of Defendant Falcon. Upon information and belief, Defendant Albarbarawi dominated, controlled and directed the business activities and sales conduct of Defendant Falcon, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
8. Defendants are "suppliers" as defined in R.C. 1345.01(C) since Defendants at all times relevant hereto were engaged in the business of effecting consumer transactions whether directly or indirectly by soliciting and selling goods or services to consumers in the State of Ohio for purposes that were primarily for personal, family or household use, within the meaning specified in R.C. 1345.01(A).
9. Defendants are "dealers" as defined by O.A.C. 109:4-3-16 since Defendants, at all times relevant hereto, engaged in the business of selling, or offering for sale, five or more motor vehicles during a twelve month period.

STATEMENT OF FACTS

10. Defendants operate a used motor vehicle dealership at 6416 Dixie Highway, Fairfield, Ohio 45014 in Butler County.
11. Defendants have provided a bond to the Attorney General's office pursuant to R.C. 4505.181, allowing them to sell cars when they do not have title in their name, provided that they meet certain requirements, including that they transfer title to the retail purchaser within 40 days.
12. Defendants have sold cars to Ohio consumers and failed to file applications for certificate of title within thirty (30) days after the assignment or delivery of a motor vehicle.
13. Defendants have sold cars to Ohio consumers and failed to obtain certificates of title on or before the fortieth (40th) day after the sale of motor vehicles.
14. For example, Consumer A purchased a car from Defendants on 7/13/2011 but did not receive title until 11/16/2011, 126 days after purchase. Consumer B purchased a car from Defendants on 9/27/2012 but did not receive title until 12/16/2012, 82 days after purchase. Consumer C purchased a car from Defendants on 1/29/2013, but did not receive title until 4/8/2013, 70 days after purchase.
15. Defendants have also accepted deposits without providing the receipt required by O.A.C. 109:4-3-07.
16. The Attorney General's Office has received consumer complaints regarding Defendants. Several of these complaints have been used as consumer examples in this Complaint. By listing these examples, Plaintiff is not limiting his request for relief to these consumers.

FIRST CAUSE OF ACTION

Violations of the Consumer Sales Practices Act

17. Plaintiff incorporates by references, as if completely rewritten herein, the allegations set forth in paragraphs One through Sixteen (1-16) of this Complaint.
18. Defendants have engaged in unfair and deceptive acts and practices in violation of R.C. §§ 1345.02 and 4505.181 in connection with their sale or offering for sale of motor vehicles by failing to obtain title in the name of a retail purchaser within 40 days of purchase.
19. Defendants have engaged in unfair and deceptive acts and practices in violation of R.C. §§ 1345.02 and R.C. 4505.06(A) by failing to file applications for certificates of title within thirty days after the assignment or delivery of a motor vehicle.
20. Defendants have engaged in unfair and deceptive acts in practices in violation of R.C. 1345.02 and O.A.C. 109:4-3-07 by not providing the deposit receipt required by O.A.C. 109:4-3-07.
21. Such acts and practices have been previously determined by Ohio courts to violate the Consumer Sales Practices Act, R.C. 1345.01 et seq. Defendants committed these 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:

1. Issue a permanent injunction enjoining Defendants Falcon Auto Sales Inc. and Mohammed Albarbarawi, their owners, agents, servants, representatives, salespeople, employees, successors or assigns and all persons acting in concert or participating with them, directly or indirectly, from engaging in the acts or practices of which Plaintiff

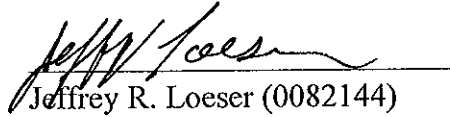
complains and from further violation of the Consumer Sales Practices Act, R.C. 1345.01 et seq.

2. Issue a declaratory judgment declaring that each act or practice described in the First Cause of Action violates the Consumer Sales Practices Act, R.C. 1345.01 et seq.
3. Order Defendants Falcon Auto Sales Inc. and Mohammed Albarbarawi, pursuant to R.C. 1345.07(B), to reimburse all consumers damaged by their unfair and deceptive acts or practices, including non-economic damages.
4. Assess, fine, and impose upon Defendants Falcon Auto Sales Inc. and Mohammed Albarbarawi a civil penalty of Twenty Five Thousand Dollars (\$25,000) for each appropriate violation described herein pursuant to R.C. 1345.07(D).
5. Order, as a means of insuring compliance with this Court's Order and with the consumer protection laws of Ohio, that Defendants Falcon Auto Sales Inc. and Mohammed Albarbarawi maintain in their possession and control for a period of five (5) years all business records relating to Defendants Falcon Auto Sales Inc. and Mohammed Albarbarawi 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 such records.
6. Grant the Ohio Attorney General its costs in bringing this action.

7. Order Defendants Falcon Auto Sales Inc. and Mohammed Albarbarawi to pay all court costs.

Respectfully submitted,

MICHAEL DEWINE
Ohio Attorney General


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