

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

STATE OF OHIO, ex rel.	)	CASE NO.
ATTORNEY GENERAL	)	
DAVE YOST	)	
30 East Broad St., 14th Floor	)	JUDGE
Columbus, Ohio 43215	)	
	)	
Plaintiff,	)	<b><u>COMPLAINT FOR</u></b>
	)	<b><u>DECLARATORY JUDGMENT,</u></b>
v.	)	<b><u>INJUNCTIVE RELIEF,</u></b>
	)	<b><u>RESTITUTION, CIVIL</u></b>
BETHRAND EKEANYANWU	)	<b><u>PENALTIES, AND OTHER</u></b>
dba UNCLE B AUTO	)	<b><u>APPROPRIATE RELIEF</u></b>
5429 Pine Bluff Rd	)	
Columbus, Ohio 43229	)	
	)	
Defendant.	)	

**JURISDICTION**

1. Plaintiff, State of Ohio, by and through counsel, the Attorney General of Ohio, 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 him by the Ohio Consumer Sales Practices Act (“CSPA”), R.C. 1345.01 *et seq.*, the Odometer Rollback and Disclosure Act, R.C. 4549.41 *et seq.* and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*
2. The actions of Defendant Bethrand Ekeanyanwu dba Uncle B Auto (“Defendant”), hereinafter described, have occurred in the State of Ohio, Franklin County and other counties, and, as set forth below, are in violation of the CSPA, R.C. 1345.01 *et seq.*, the Odometer Rollback and Disclosure Act, R.C. 4549.41 *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 Defendant operated his business from and engaged in some of the transactions complained of herein in Franklin County, Ohio.

**DEFENDANT**

5. Defendant Bethrand Ekeanyanwu (“Ekeanyanwu”) is an individual residing at 5429 Pine Bluff Rd., Columbus, Ohio 43229.
6. Defendant Ekeanyanwu does business under the trade name “Uncle B Auto” (“Uncle B”). The trade name Uncle B has been registered with the Ohio Secretary of State since August 8, 2019.
7. Defendant conducts business in Franklin County and other counties in the State of Ohio with his principal place of business located at 970 E. Hudson St., Columbus, Ohio 43211.
8. Uncle B, at all relevant times, was a licensed used motor vehicle dealer operating under a permit issued by the Ohio Bureau of Motor Vehicles, permit number UD023399.
9. Defendant Ekeanyanwu is the principal owner of Uncle B and dominated, controlled and directed the business activities and sales conduct of Uncle B, exercised the authority to establish, implement or alter the policies of Uncle B, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
10. Defendant, as described below, is a “supplier” as that term is defined in R.C. 1345.01(C) as he, at all times relevant herein, engaged in the business of effecting or soliciting “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).

**STATEMENT OF FACTS**

11. Defendant was 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 to consumers residing in Franklin and other Ohio counties.
12. Defendant, operating under the trade name Uncle B Auto, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
13. The mileage or odometer reading on the odometer of a motor vehicle is a very important factor in determining the price of a used motor vehicle, as the mileage history of a motor vehicle is connected to its value.
14. An accurate indication of the mileage on the odometer assists a buyer in deciding on the safety and reliability of the motor vehicle.
15. Defendant was required, at the time of the sale, to prepare and sign a statement, which the buyer was also required to sign, disclosing the motor vehicle's current odometer reading.
16. Defendant failed to disclose to consumers that the odometers on many of the vehicles they were offering for sale were inaccurate and had been tampered with.
17. Defendant misrepresented or did not disclose the actual mileage of the odometers in the written odometer disclosure statements provided to some consumers.
18. By misrepresenting the actual mileage Defendant was also misrepresenting the condition and reliability of the vehicles.
19. The odometer discrepancies were the result of Defendant rolling back the odometers before selling the vehicles to consumers.

20. Some consumers complained that Defendant did not provide them with written odometer disclosure statements, and/or that they did not sign the odometer disclosure statements and/or their signatures were forged and that they found out of the odometer discrepancy long after they purchased the vehicles.
21. A rebuilt title reflects that a vehicle has been rehabilitated after being issued a salvage title, which would have resulted from collision damage, fire, flood, or even a manufacturer buyback following a lemon-law claim.
22. There is no guarantee a car bearing a rebuilt title brand is safe or reliable.
23. Defendant was required to notify potential consumers in writing prior to the execution of the purchase agreement that the motor vehicle is a rebuilt salvage vehicle with a title branded rebuilt salvage.
24. Defendant did not disclose the fact that they were selling rebuilt salvage vehicles to the consumers in writing prior to the execution of the purchase agreements.
25. Consumers were not advised by Defendant, nor were they aware, that they were purchasing rebuilt salvage vehicles.
26. Defendant failed to obtain a certificate of title within thirty days after the assignment or delivery of a motor vehicle.

**FIRST CAUSE OF ACTION:**  
**VIOLATIONS OF THE CONSUMER SALES PRACTICES ACT**  
**COUNT 1: ADVERTISEMENT AND SALE OF MOTOR VEHICLES**

27. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
28. Defendant committed unfair and deceptive acts and practices in violation of R.C.1345.02

and O.A.C. 109:4-3-16(B)(29), by failing to disclose prior to obtaining the signatures by the consumers on any documents for the purchase of the vehicles the fact that such vehicles were previously titled as a rebuilt salvage vehicle when Defendant had actual knowledge of such facts.

29. The acts and practices described above violate an Ohio Administrative Code rule enacted pursuant to the CSPA, R.C. 1345.01 et seq. and have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 et seq. Defendant committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

**COUNT 2: SUBSTANTIATION OF CLAIMS IN ADVERTISING**

30. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
31. Defendant committed unfair and deceptive acts and practices in violation of R.C. 1345.02 and Ohio Adm. Code 109:4-3-10(A), by making representations, claims or assertions of fact, orally or in writing, which would cause a reasonable consumer to believe such statements regarding the mileage listed on their purchase agreements and odometer disclosure statements were accurate when Defendant knew they were not.
32. The acts and practices described above violate an Ohio Administrative Code rule enacted pursuant to the CSPA, R.C. 1345.01 et seq. and have been previously determined by Ohio courts to violate the Consumer Sales Practices Act, R.C. 1345.01 *et seq.* Defendant committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

**SECOND CAUSE OF ACTION:**  
**VIOLATIONS OF THE CONSUMER SALES PRACTICES ACT AND**  
**THE ODOMETER ROLLBACK AND DISCLOSURE ACT**  
**COUNT 1: FAILING TO PROVIDE ACCURATE ODOMETER STATEMENTS**

33. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
34. Defendant committed unfair and deceptive acts and practices in violation of R.C. 1345.02 and the Odometer Rollback and Disclosure Act, R.C. 4549.45(A), by failing to provide true and complete odometer disclosures required by R.C. 4505.06.
35. The acts and practices described above have been previously determined by Ohio courts to violate the Consumer Sales Practices Act, R.C. 1345.01 *et seq.* Defendant committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

**COUNT 2: TAMPERING WITH ODOMETERS**

36. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
37. Defendant committed unfair and deceptive acts and practices in violation of R.C. 1345.02 and R.C. 4549.42(A), by adjusting, altering, changing, tampering with or setting back, an odometer of a motor vehicle, or caused any of the foregoing to occur to an odometer of a motor vehicle with the intent to alter the number of miles registered on the odometer.
38. The acts and practices described above have been previously determined by Ohio courts to violate the Consumer Sales Practices Act, R.C. 1345.01 *et seq.* Defendant committed said violations after such decisions were available for public inspection pursuant to R.C.

1345.05(A)(3).

**THIRD CAUSE OF ACTION:**  
**VIOLATIONS OF THE CONSUMER SALES PRACTICES ACT AND**  
**CERTIFICATE OF MOTOR VEHICLES TITLE ACT**

39. Plaintiff incorporates by reference, as if completely rewritten herein, the preceding paragraphs of this Complaint.
40. Defendant engaged in unfair and deceptive acts and practices in violation of R.C. 1345.02(A), by failing to file an application for a certificate of title within thirty days after the assignment or delivery of a motor vehicle as required by R.C. 4505.06(A)(5)(b).
41. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 *et seq.* Defendant 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 prays that this Court:

- A. ISSUE A DECLARATORY JUDGMENT declaring that each act or practice described in Plaintiff's Complaint violates the CSPA, R.C. 1345.01 *et seq.*, the Odometer Rollback and Disclosure Act, R.C. 4549.41 *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 Defendant and any officers, agents, representatives, salespeople, employees, successors and assigns and all persons acting in concert or participating with Defendant, directly or indirectly, from engaging in the acts and practices of which Plaintiff complains and from further violating the CSPA, R.C. 1345.01 *et seq.*, the Odometer Rollback and Disclosure Act, R.C. 4549.41 *et seq.*, and

the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*

- C. ORDER Defendant liable for reimbursement to all consumers found to have been damaged by the Defendant's unfair and deceptive acts and practices.
- D. ASSESS, FINE, AND IMPOSE upon Defendant a civil penalty of \$25,000.00 for each of the appropriate unfair and deceptive acts alleged in the Complaint, pursuant to R.C. 1345.07(D).
- E. ASSESS, FINE, AND IMPOSE upon Defendant a civil penalty of not less than one thousand nor more than two thousand dollars for each violation of the Odometer Rollback and Disclosure Act, R.C. 4549.41 *et seq.*, except that the maximum civil penalty shall not exceed one hundred thousand dollars.
- F. ORDER that Defendant be enjoined from engaging in consumer transactions as a supplier in the State of Ohio until they have satisfied all restitution, civil penalties and court costs have been paid.
- G. ORDER that Defendant be prohibited from maintaining, renewing or applying for an auto dealer or salesperson license under Chapter 4517 of the Revised Code.
- H. GRANT Plaintiff its costs in bringing this action, including, but not limited to, the costs of collecting on any judgment awarded.
- I. ORDER Defendant to pay all court costs.
- J. GRANT such other relief as the Court deems to be just, equitable and appropriate.



DAVE YOST  
Ohio Attorney General

A handwritten signature in blue ink, appearing to read 'Rupert', is positioned below the typed name of Rosemary E. Rupert.

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