

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,)	<u>COMPLAINT FOR</u>
)	<u>DECLARATORY JUDGMENT,</u>
v.)	<u>INJUNCTIVE RELIEF,</u>
)	<u>RESTITUTION, CIVIL</u>
Way 2 Go Auto Sales LLC,)	<u>PENALTIES, AND OTHER</u>
3553 Refugee Rd.)	<u>APPROPRIATE RELIEF</u>
Columbus, Ohio 43232)	
)	
and)	
)	
Kofi A. Bimpeh)	
5791 Maple Tree Lane)	
Columbus, Ohio 43232,)	
)	
Defendants.)	

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.*, its Substantive Rules, Ohio Adm.Code 109:4-3-01 *et seq.*, the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*, and the Odometer Rollback and Disclosure Act, R.C. 4549.41 *et seq.*
2. The actions of Defendants Way 2 Go Auto Sales LLC (“Way 2 Go”) and Kofi A. Bimpeh (“Bimpeh”) (collectively “Defendants”), 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.*, its Substantive Rules, Ohio Adm.Code 109:4-3-01 *et seq.*, the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*, and the Odometer Rollback and Disclosure Act, R.C. 4549.41 *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 Defendants operated their business from and engaged in some of the transactions complained of herein in Franklin County, Ohio.

DEFENDANTS

5. Defendant Way 2 Go Auto Sales LLC (“Way 2 Go”) is an Ohio limited liability company operating at 3553 Refugee Rd., Columbus, Ohio 43232.
6. Defendant Kofi A. Bimpeh (“Bimpeh”) is an individual residing at 5791 Maple Tree Lane, Columbus, Ohio 43232.
7. Defendant Way 2 Go is a licensed used motor vehicle dealer operating under an active permit issued by the Ohio Bureau of Motor Vehicles, permit number UD023011.
8. Defendant Bimpeh is the principal owner of Way 2 Go and dominated, controlled and directed the business activities and sales conduct of Way 2 Go, exercised the authority to establish, implement or alter the policies of Way 2 Go, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
9. Defendants, as described below, are “suppliers” as that term is defined in R.C. 1345.01(C) as they, 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

10. 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 to consumers residing in Franklin and other Ohio counties.
11. Defendants solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
12. In some instances, the Defendants did not have physical possession of the titles and/or the vehicles were not titled to the Defendants on the dates the vehicles were sold to consumers.
13. Defendants failed to file applications for certificates of title within thirty days after the assignment or delivery of motor vehicles.
14. Defendants failed to obtain certificates of title on or before the fortieth day after the sale of motor vehicles.
15. As a result of Defendants' conduct in paragraphs 12-14, consumers were unable to obtain certificates of title to their used motor vehicles and filed complaints with the Ohio Attorney General.
16. 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.
17. An accurate indication of the mileage on the odometer assists a buyer in deciding on the safety and reliability of the motor vehicle.

18. Defendants were required, at the time of the sale, to prepare and sign an odometer disclosure statement, which the buyer was also required to sign, disclosing the motor vehicle's current odometer reading.
19. Defendants misrepresented the actual mileage of the odometers in the written odometer disclosure statements and bill of sale provided to some consumers.
20. By misrepresenting the actual mileage Defendants were also misrepresenting the condition and reliability of the vehicles.
21. The incomplete bill of sale Defendants provided to some consumers did not disclose in writing the odometer discrepancies to some consumers, even though the odometer discrepancies could clearly have been notated on the bill of sale and included on the written odometer disclosure statements the Defendants were required to provide to consumers.
22. The odometer discrepancies were the result of Defendants rolling back the odometers before selling the vehicles to consumers.
23. 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.
24. There is no guarantee that a car bearing a rebuilt title brand is safe or reliable.
25. Defendants were required to notify potential consumers prior to the execution of the purchase agreement that the motor vehicle is a rebuilt salvage vehicle with a title branded rebuilt salvage.
26. Defendants did not disclose the fact that they were selling rebuilt salvage vehicles to the consumers prior to the execution of the purchase agreements.

27. Consumers were not advised by Defendants, nor were they aware, that they were purchasing rebuilt salvage vehicles.
28. The incomplete bills of sale the Defendants provided consumers did not disclose that the consumers were purchasing rebuilt salvage vehicles, even though rebuilt salvage could clearly have been notated on the bills of sale.

FIRST CAUSE OF ACTION:
VIOLATIONS OF
THE CERTIFICATE OF MOTOR VEHICLE TITLE ACT

29. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
30. Defendants engaged in unfair and deceptive acts and practices in violation of 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).
31. Defendants engaged in unfair and deceptive acts and practices in violation of 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 day after the sale of the motor vehicles as required by R.C. 4505.181(B)(1).
32. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 *et seq.* Defendants 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
COUNT 1: ADVERTISEMENT AND SALE OF MOTOR VEHICLES

33. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set

forth in the preceding paragraphs of this Complaint.

34. Defendants committed unfair and deceptive acts and practices in violation of R.C. 1345.02 and Ohio Adm.Code 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 Defendants had actual knowledge of such facts.

COUNT 2: SUBSTANTIATION OF CLAIMS IN ADVERTISING

35. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
36. Defendants committed unfair and deceptive acts and practices in violation of R.C. 1345.02 and O.A.C. 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 bill of sale and odometer disclosure statements were accurate when Defendants knew they were not.

THIRD CAUSE OF ACTION:
VIOLATIONS OF THE ODOMETER ROLLBACK AND DISCLOSURE ACT

COUNT 1: FAILING TO PROVIDE ACCURATE ODOMETER STATEMENTS

37. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
38. Defendants committed unfair and deceptive acts and practices in violation of R.C. 1345.02 and the Odometer Rollback and Disclosure Act, R.C. 4549.46(A), by failing to provide true and complete odometer disclosures required by R.C. 4505.06.

39. 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.* Defendants committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

COUNT 2: TAMPERING WITH ODOMETERS

40. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
41. Defendants 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.
42. 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.* 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 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.*, its Substantive Rules, Ohio Adm.Code 109:4-3-01 *et seq.*, the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*, and the Odometer Rollback and Disclosure Act, R.C. 4549.41 *et seq.* in the manner set forth in this Complaint.

- B. ISSUE PERMANENT INJUNCTIVE RELIEF enjoining Defendants and any officers, agents, representatives, salespeople, employees, successors and assigns and all persons acting in concert or participating with Defendants, 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.*, its Substantive Rules, Ohio Adm.Code 109:4-3-01 *et seq.*, the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*, and the Odometer Rollback and Disclosure Act, R.C. 4549.41 *et seq.*
- C. ORDER Defendants liable for reimbursement to all consumers found to have been damaged by the Defendants' unfair and deceptive acts and practices.
- D. ASSESS, FINE, AND IMPOSE upon Defendants a civil penalty of \$25,000.00 for each of the unfair and deceptive acts alleged in the Complaint, pursuant to R.C. 1345.07(D).
- E. ASSESS, FINE, AND IMPOSE upon Defendants a civil penalty of not less than \$1,000.00 nor more than \$2,000.00 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 Defendants 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 Defendants 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 Defendants 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



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