

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

STATE OF OHIO, ex rel.)	CASE NO.
ATTORNEY GENERAL)	
DAVE YOST)	
30 E. Broad Street, 14th Floor)	JUDGE
Columbus, Ohio 43215)	
)	
Plaintiff)	<u>COMPLAINT AND REQUEST</u>
)	<u>FOR DECLARATORY JUDGMENT,</u>
v.)	<u>INJUNCTIVE RELIEF, CONSUMER</u>
)	<u>RESTITUTION, CIVIL PENALTIES,</u>
)	<u>AND OTHER APPROPRIATE RELIEF</u>
TRI-MAJESTIC LLC)	
d/b/a MAJESTIC MOTORS)	
c/o Statutory Agent - Jeffrey Corfman)	
1822 Braman Avenue)	
Fort Myers, Florida 33901)	
)	
and)	
)	
JEFFREY CORFMAN, Individually,)	
and d/b/a MAJESTIC MOTORS)	
1822 Braman Avenue)	
Fort Myers, Florida 33901)	
)	
and)	
)	
DEREK RUTTER, Individually,)	
and d/b/a MAJESTIC MOTORS)	
4433 Trail Head Circle N.W.)	
Massillon, Ohio 44647)	
)	
Defendants)	

JURISDICTION

1. Plaintiff, State of Ohio, through counsel Attorney General 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 the Attorney General by R.C. 1345.07.

2. The actions of Defendants Tri-Majestic LLC, Jeffrey Corfman, and Derek Rutter (collectively “Defendants”) have occurred in the State of Ohio, including in Summit County and, as set forth below, are in violation of the 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.
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)-(3), because Summit County is where Defendants’ principal place of business was located and where Defendants conducted some of the transactions that gave rise to the Plaintiff’s claim for relief.

DEFENDANTS

5. The actions of Defendants, hereinafter described, have occurred in the State of Ohio, including in Summit County.
6. Defendant Tri-Majestic LLC is an Ohio limited liability corporation.
7. Majestic Motors is an Ohio fictitious business name registered with the Ohio Secretary of State by Defendant Tri-Majestic LLC.
8. Defendant Tri-Majestic LLC did business using the fictitious business name Majestic Motors.
9. Upon information and belief, Defendant Jeffrey Corfman (“Corfman”) is an individual who resides at 1822 Braman Avenue, Fort Myers, Florida 33901.
10. Defendant Corfman did business using the fictitious business name Majestic Motors.
11. Defendant Corfman was a co-owner of the Majestic Motors car dealership.

12. Upon information and belief, Defendant Corfman dominated, controlled, directed, and approved the business activities and sales conduct of Defendant Tri-Majestic LLC at the time of the violations set forth in this Complaint and caused, personally participated in, or ratified the acts and practices of Tri-Majestic LLC, as described in this Complaint.
13. Upon information and belief, Defendant Derek Rutter (“Rutter”) is an individual who resides at 4433 Trail Head Circle N.W., Massillon, Ohio 44647.
14. Defendant Rutter did business using the fictitious business name Majestic Motors.
15. Defendant Rutter was a co-owner of the Majestic Motors car dealership.
16. Upon information and belief, Defendant Rutter dominated, controlled, directed, and approved the business activities and sales conduct of Defendant Tri-Majestic LLC at the time of the violations set forth in this Complaint and caused, personally participated in, or ratified the acts and practices of Tri-Majestic LLC, as described in this Complaint.
17. Defendants’ principal place of business for their car dealership was located at 1941 E. Waterloo Road, Akron, Ohio 44312.
18. Defendants were, at all times relevant to this action, engaged in the business of soliciting, promoting, purchasing, selling, and collecting the proceeds of the sales of used motor vehicles from their location in Akron, Ohio to consumers residing in Summit and other Ohio counties.
19. Defendants 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” by offering for sale and selling 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).

STATEMENT OF FACTS

20. At all relevant times hereto, Defendant Tri-Majestic LLC held license #UD022124 issued by the State of Ohio under R.C. 4517.01 et seq., allowing it to engage in the business of displaying or selling at retail or wholesale used motor vehicles. That dealer license has since been canceled.
21. Defendants, operating under the name Majestic Motors, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
22. At all relevant times hereto, the Defendants displayed or sold used motor vehicles from the Majestic Motors dealership location and from other locations.
23. Defendants failed to file applications for certificates of title within 30 days after the assignment or delivery of motor vehicles.
24. Defendants sold to consumers motor vehicles that did not have certificates of title issued in the name of the dealership at the time of sale.
25. Defendants failed to obtain certificates of title in the name of consumer purchasers on or before the Fortieth (40th) day after the sale of motor vehicles.
26. To date, Title Defect Recision consumer claims totaling \$62,612.36 have been paid from the Title Defect Recision Fund, administered by the Attorney General's Office, after Defendants failed to obtain certificates of title in the name of consumer purchasers on or before the Fortieth (40th) day after the sale of the motor vehicles.

CAUSE OF ACTION

Violations of the Certificate of Motor Vehicle Title Act & the CSPA

27. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs One through Twenty-Six (1-26) of this Complaint.

28. Defendants engaged in unfair or deceptive acts or practices in violation of R.C. 1345.02 of the CSPA by failing to file applications for certificates of title within 30 days after the assignment or delivery of motor vehicles as required by R.C. 4505.06(A)(5)(b) of the Certificate of Motor Vehicle Title Act.
29. Defendants engaged in unfair or deceptive acts or practices in violation of R.C. 1345.02 of the CSPA by, in the ordinary course of business, selling to consumers motor vehicles that did not have certificates of title issued in the name of the dealership at the time of sale and then failing to obtain certificates of title in the name of the consumer purchasers on or before the Fortieth (40th) day following the date of the sale of the motor vehicles as required by R.C. 4505.181(B)(1) of the Certificate of Motor Vehicle Title Act.
30. 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).

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 Tri-Majestic LLC, Jeffrey Corfman, and Derek Rutter, doing business under their own names, the name Majestic Motors, or any other names, their agents, 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 violating 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. DECLARE, pursuant to R.C. 1345.07(A)(1), 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 Defendants, pursuant to R.C. 1345.07(B), to pay actual damages to all consumers injured by the conduct of Defendants.
- D. ORDER Defendants jointly and severally liable for reimbursement to the Attorney General's Title Defect Recision Fund for funds expended to resolve title defects caused by Defendants' motor vehicle title violations.
- E. ASSESS, FINE, AND IMPOSE upon Defendants a civil penalty of \$25,000 for each separate and appropriate violation described herein pursuant to R.C. 1345.07(D).
- F. ORDER that any existing auto dealer or salesperson licenses held by Defendants Rutter or Corfman under Chapter 4517 of the Revised Code be canceled.
- G. ISSUE A PERMANENT INJUNCTION prohibiting Defendants Rutter and Corfman from applying for or being granted any new auto dealer or salesperson licenses under Chapter 4517 of the Revised Code.
- H. ISSUE AN INJUNCTION prohibiting Defendants from engaging in business as suppliers in any consumer transaction in the State of Ohio until such time as they have satisfied all monetary obligations ordered by this Court or any other Ohio Court, in connection with a consumer transaction.
- I. GRANT Plaintiff its costs in bringing this action.
- J. GRANT such other relief as the Court deems to be just, equitable, and appropriate.
- K. ORDER Defendants to pay all court costs.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

/s/ Tracy Morrison Dickens

Tracy Morrison Dickens (0082898)

Assistant Attorney General

Consumer Protection Section

30 E. Broad Street, 14th Floor

Columbus, Ohio 43215

(614) 644-9618 (phone)

Tracy.Dickens@OhioAttorneyGeneral.gov

Counsel for Plaintiff