

IN THE COURT OF COMMON PLEAS OF CUYAHOGA COUNTY, OHIO

STATE OF OHIO, EX REL. OHIO	)	CASE NO.
ATTORNEY GENERAL MICHAEL DEWINE	)	
30 E. Broad Street, 14th Floor	)	
Columbus, Ohio 43215	)	JUDGE
	)	
Plaintiff,	)	
	)	
v.	)	<b><u>COMPLAINT FOR</u></b>
	)	<b><u>DECLARATORY JUDGMENT,</u></b>
	)	<b><u>INJUNCTIVE RELIEF,</u></b>
DISCOVERY TOURS, INC.	)	<b><u>CONSUMER RESTITUTION,</u></b>
6501 Wilson Mills Road, Suite B1	)	<b><u>AND CIVIL PENALTIES</u></b>
Mayfield Village, Ohio 44143	)	
	)	
c/o Alfred Cipolletti, Statutory Agent	)	
24719 Dundee Drive	)	
Richmond Heights, Ohio 44143	)	
	)	
Defendant.	)	

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**JURISDICTION AND VENUE**

1. Plaintiff, State of Ohio, by and through Ohio Attorney General 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 Defendant Discovery Tours, Inc., hereinafter described, have occurred in Ohio, including Cuyahoga County and, as set forth below, are in violation of the Consumer

Sales Practices Act (“CSPA”), R.C. 1345.01 *et seq.*, and its Substantive Rules, O.A.C. 109:4-3-01 *et seq.*

3. The Court has jurisdiction over the subject matter of this action pursuant to R.C. 1345.04.
4. Venue is proper pursuant to Ohio Civ. R. 3(B)(2)-(3) in that Defendant has its principle place of business in and some of the transactions complained of herein and out of which this action arose, occurred in Cuyahoga County, Ohio.

#### **THE DEFENDANT**

5. Defendant Discovery Tours, Inc. is a corporation incorporated in the State of Ohio under Entity Number 637561.
6. Defendant, as described below, is a “supplier” as that term is defined in R.C. 1345.01(C), as the Defendant was, at all times relevant herein, engaged in the business of effecting consumer transactions by soliciting and selling travel services to school groups and individuals in Ohio, including in Cuyahoga County, for purposes that were primarily personal, family or household, within the meaning specified in R.C. 1345.01(A).

#### **STATEMENT OF FACTS**

7. Defendant has been, at all times relevant to this action, engaged in the business of selling consumer services, specifically travel services to school groups and individuals in the State of Ohio, including in Cuyahoga County.
8. Ohio school districts contracted with Defendant to provide travel services for students to participate in educational school trips to various U.S. cities, including Washington, D.C., Chicago, IL, and Williamsburg, VA.

9. Defendant's travel services included planning the itinerary for each trip, including providing hotel accommodations for students and chaperones, securing bus services, arranging meals or meal vouchers, and booking tours of museums, parks, monuments, etc.
10. Parents of students participating in each trip paid money directly to Defendant.
11. Schools and school districts also paid money directly to Defendant. This included money raised through trip fundraising efforts by students and scholarship money for students who could not otherwise afford the trips.
12. In May 2018, schools and parents were abruptly notified that Defendant had closed its business and all upcoming student trips were cancelled.
13. Defendant continued to accept money from schools and parents when it knew or should have known of its precarious financial position.
14. Defendant failed to provide the travel services paid for, failed to respond to consumers, and failed to issue refunds.

**PLAINTIFF'S CAUSES OF ACTION**

**COUNT I**  
**FAILURE TO DELIVER GOODS AND/OR SERVICES**  
**OR ISSUE REFUNDS**

15. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in Paragraphs One through Fourteen (1 – 14) of this Complaint.
16. Defendant committed unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A) and O.A.C. 109:4-3-09(A), by accepting money from consumers and schools for travel services, failing to provide the promised services, and failing to issue refunds.

**COUNT II**  
**PRECARIOUS FINANCIAL POSITION**

17. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in Paragraphs One through Fourteen (1 – 14) of this Complaint.
18. Defendant committed unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A) by entering into consumer transactions when it knew or should have known that due to its precarious financial position, the consumers would not receive the services that had been paid for.
19. Defendant committed unconscionable acts or practices in violation of the CSPA, R.C. 1345.03(A), as set forth in R.C. 1345.03(B)(3), by entering into consumer transactions while knowing of the inability of the consumers to receive substantial benefit from the subject of the transactions.
20. Such acts and 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:

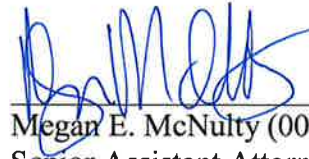
1. ISSUE a declaratory judgment declaring that each act or practice complained of herein violates the CSPA, R.C. 1345.01 et seq. and its Substantive Rules, Ohio Admin. Code 109:4-3-01 et seq., in the manner set forth in the Complaint.
2. ISSUE a permanent injunction, pursuant to R.C. 1345.07, enjoining Discovery Tours, Inc., as presently organized or in any future organized entity, registered or non, serving substantially similar purposes, and its agents, representatives, salespeople, employees, independent contractors, successors, or assigns, and all persons acting in concert or participating with it,

directly or indirectly, from further violating the CSPA, R.C. 1345.01 *et seq.*, and its Substantive Rules.

3. GRANT a monetary judgment against Defendant in an amount sufficient to reimburse all consumers and schools found to have been damaged by the Defendant's unfair, deceptive and unconscionable acts and practices.
4. ASSESS, FINE and IMPOSE upon the Defendant a civil penalty in the amount of Twenty-Five Thousand Dollars (\$25,000.00) for each separate and appropriate violation described herein pursuant to R.C. 1345.07(D).
5. GRANT the Ohio Attorney General his costs in bringing this action.
6. ORDER Defendant to pay all court costs.
7. GRANT such other relief as the Court deems to be just, equitable and appropriate.

Respectfully submitted,

MICHAEL DEWINE  
Ohio Attorney General



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