

COMMON PLEAS COURT-GENERAL DIVISION

Clermont County, Ohio

Barbara Wiedenbein
Clerk of Courts

CLASSIFICATION FORM-Per: Sup. R.s 5, 36 and SRF Form A

This form must be completed by Plaintiff/Appellant/Applicant/Petitioner and filed with the complaint, appeal, application, or petition in all civil actions and filed with the Clerk.

State of Ohio ex rel. Attorney General
Michael DeWine
Plaintiff

Judge: 2017 CVH 01241 JUDGE BROCK

Case # JUDGE BROCK
(to be completed by the Clerk)

VS

Brandon Doughman dba BDS Auto Sales and
Service
Defendant

ATTORNEY/Pro Se Party: Rosemary E. Rupert, Assistant Attorney General (plaintiff)

SUPREME COURT NO.: 0042389

ADDRESS: Ohio Attorney General's Office, Consumer Protection Section, 30 E. Broad St., 14th Fl.,
Columbus, OH 43215

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CASE CATEGORY: SRF FORM A

- A. Professional Tort: medical legal other/type
B. Product Liability: general nature
C. Other Torts: general nature
D. Workers Compensation
E. Foreclosure: mortgage tax other lien/type
F. Administrative Appeal: agency, board, department
G. Complex Litigation Requested Under Sup. R. 42
H. X Other Civil: (general nature) Consumer Sales Practices Violations R.C. 1345.01 et seq.
I. Criminal

Jury Demand: YES X NO
Is this case a refiled case? YES X NO

If yes: Prior Case No: Prior Assigned Judge

(This information is required by Sup. R. 36(D) and Local R. 1.4 and must be completed)

03/27/17

2017 OCT -2 AM 9:28
BARBARA A. WIENDEBEIN
CLERK OF COMMON PLEAS COURT
CLERMONT COUNTY OH

FILED

IN THE COURT OF COMMON PLEAS  
CLERMONT COUNTY, OHIO

FILED

2017 OCT -2 AM 8:28

BARBARA A. WELSH  
CLERK OF COMMON PLEAS COURT  
CLERMONT COUNTY, OH

STATE OF OHIO ex rel. ATTORNEY  
GENERAL MICHAEL DEWINE  
30 E. Broad St., 14<sup>th</sup> Fl.  
Columbus, OH 43215

Plaintiff,

v.

BRANDON DOUGHMAN  
d.b.a. BDS Auto Sales and Service  
1001 College Dr.  
Batavia, OH 45103

Defendant.

Case No.

2017 CVH 01241 JUDGE BROCK

Judge

**COMPLAINT FOR DECLARATORY  
JUDGMENT, INJUNCTIVE RELIEF,  
RESTITUTION, CIVIL PENALTIES  
AND OTHER APPROPRIATE RELIEF**

JURISDICTION

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 the Ohio Consumer Sales Practices Act, R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*
2. The actions of the Defendant have occurred in the State of Ohio, Clermont County and, as set forth below, are in violation of the Consumer Sales Practices Act, R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*
3. Defendant, as described below, is a "supplier" as that term is defined in R.C. 1345.01(C)

as Defendant was, at all times relevant herein, engaged in the business of effecting or soliciting “consumer transactions” as that term is defined in R.C. 1345.01(A).

4. Defendant, as described below, engaged in “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) and (D).
5. The actions of Defendant have occurred in the State of Ohio and Clermont County.
6. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the Consumer Sales Practices Act.
7. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(2)-(3), in that Defendant operated his business from and engaged in the transactions complained of herein in Clermont County.

#### STATEMENT OF FACTS

8. Defendant Brandon Doughman is an individual who owns and operates BDS Auto Sales and Service.
9. 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 from his location in Batavia to consumers residing in Clermont and other Ohio counties.
10. Defendant, operating under the name BDS Auto Sales and Service, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.

11. At all relevant times hereto, Defendant held license #UD021203 issued by the State of Ohio under R.C. 4517.01 *et seq.*, allowing him to engage in the business of displaying or selling at retail or wholesale used motor vehicles.
12. At all relevant times hereto, the Defendant displayed and sold used motor vehicles at the BDS Auto Sales and Service location at 1001 College Drive, Batavia, Ohio.
13. The Defendant failed to file applications for certificate of title within Thirty (30) days after the assignment or delivery of motor vehicles.
14. The Defendant failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of motor vehicles.
15. Title Defect Recision consumer claims totaling \$2,700.00 thus far have been paid from the Title Defect Recision Fund, administered by the Ohio Attorney General's Office, after the Defendant failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of motor vehicles.
16. R.C. 4505.181 requires that a dealer post a bond in an amount not less than \$25,000 after the Attorney General has paid a retail purchaser of the dealer from the Title Defect Recision Fund.
17. After the payout was made from the Title Defect Recision Fund, the Defendant continued to operate without posting a bond.

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

18. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs One through Seventeen (1-17) of this Complaint.

19. The Defendant engaged in unfair and deceptive acts and practices in violation of R.C. 1345.02 by failing to file applications for certificates of title within Thirty (30) days after the assignment or delivery of motor vehicles as required by R.C. 4505.06(A)(5)(b).
20. The Defendant committed unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act, 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 (40th) day of sale of the motor vehicles as required by R.C. 4505.181(B)(1).
21. The Defendant failed to post a bond after the Attorney General paid a retail purchaser of the dealer from the Title Defect Recision Fund due to the Defendant's failure to deliver title to the purchaser, as required by R.C. 4505.181.
22. Such acts or practices have been previously determined by Ohio courts to violate the Consumer Sales Practices Act, R.C. 1345.01 *et seq.* The 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 Consumer Sales Practices Act, 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.

- B. ISSUE PERMANENT INJUNCTIVE RELIEF enjoining Defendant and his officers, agents, servants, representatives, salespeople, employees, successors and assigns and all persons acting in concert or participating with him, directly or indirectly, from engaging in the acts or practices of which Plaintiff complains and from further violating the Consumer Sales Practices Act, R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*
- C. ORDER the Defendant liable for reimbursement to all consumers found to have been damaged by the Defendant's unfair and deceptive acts and practices, and motor vehicle title violations.
- D. ORDER the Defendant liable for reimbursement to the Title Defect Recision Fund for funds expended to resolve title defects caused by Defendant's motor vehicle title violations.
- E. ASSESS, FINE, AND IMPOSE upon the Defendant a civil penalty of Twenty-Five Thousand Dollars (\$25,000.00) for each of the appropriate unfair or deceptive acts alleged in the Complaint, pursuant to R.C. 1345.07(D).
- F. ORDER, as a means of insuring compliance with this Court's Order and with the consumer protection laws of Ohio, Defendant to maintain in his possession and control for a period of Five (5) years all business records relating to the Defendant's solicitation and sale of used motor vehicles in Ohio 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 records.

- G. Order that the Defendant be enjoined from engaging in consumer transactions as a supplier.
- H. Order that Defendant Brandon Doughman be prohibited from applying for or maintaining an auto dealer or salesperson license under Chapter 4517 of the Revised Code.
- I. ORDER the Defendant to pay all court costs.
- J. GRANT such other relief as the Court deems to be just, equitable and appropriate.

Respectfully submitted,

MICHAEL DEWINE  
Attorney General



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