



**NAILAH K. BYRD**  
**CUYAHOGA COUNTY CLERK OF COURTS**  
1200 Ontario Street  
Cleveland, Ohio 44113

**Court of Common Pleas**

**New Case Electronically Filed: COMPLAINT**  
**December 22, 2022 11:22**

By: ROSEMARY E. RUPERT 0042389

Confirmation Nbr. 2732928

STATE OF OHIO EX REL. ATTORNEY GENERAL  
DAVE YOST

CV 22 972964

vs.

IM APPROVED STORE LLC ET AL.

**Judge:** WILLIAM F. B. VODREY

**Pages Filed:** 6

**IN THE COURT OF COMMON PLEAS  
CUYAHOGA 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>
IM APPROVED STORE LLC	)	<b><u>PENALTIES, AND OTHER</u></b>
7309 Union Ave	)	<b><u>APPROPRIATE RELIEF</u></b>
Cleveland, Ohio 44105	)	
	)	
and	)	
	)	
BENNY INGRAM, Individually	)	
20753 Bowling Green Rd.	)	
Maple Heights, Ohio 44137	)	
	)	
Defendants.	)	

**JURISDICTION**

- 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.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*
- The actions of Defendants IM Approved Store LLC (“IM”) and Benny Ingram (“Ingram”) (collectively “Defendants”), hereinafter described, have occurred in the State of Ohio, Cuyahoga County and other counties, and, as set forth below, are in violation of the CSPA, R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*
- 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)(1)-(3), in that Defendants operated their business from, reside in, and engaged in some of the transactions complained of herein in Cuyahoga County, Ohio.

#### **DEFENDANTS**

5. Defendant IM is a domestic limited liability company conducting business in Cuyahoga County and other counties in the State of Ohio with its principal place of business located at 7309 Union Ave., Cleveland, Ohio 44105.
6. Defendant IM 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 UD023306. The permit is active.
7. Defendant Ingram is an individual who, on information and belief, resides at 20753 Bowling Green Rd., Maple Heights, Ohio 44137.
8. On information and belief, Defendant Ingram is the principal owner of IM and dominated, controlled and directed the business activities and sales conduct of IM, exercised the authority to establish, implement or alter the policies of IM, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
9. Defendants, as described below, are each a “supplier” 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” as that term is defined in R.C. 1345.01(A).
10. Defendants, 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).

### **STATEMENT OF FACTS**

11. 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 Cuyahoga and other Ohio counties.
12. Defendants have solicited, and continue to solicit, individual Ohio consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
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 the Defendants' conduct, retail purchasers were unable to obtain certificates of title to their used motor vehicles, and filed claims with the Ohio Attorney General pursuant to Ohio's Title Defect Recision (TDR) statute, R. C. 4505.181.
16. TDR claims totaled \$8,699.20 and were paid from the TDR Fund, administered by the Ohio Attorney General's Office, after the Defendants failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of the motor vehicles to the retail purchasers.
17. The TDR Fund was reimbursed by the Defendants' surety bond.
18. Defendants' surety bond was cancelled on November 7, 2022.
19. Defendants have failed to obtain a new surety bond in an amount not less than \$25,000.00 and have continued to operate in violation of OAC 4501:1-3-11 and R.C. 4505.181(A)(2).

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

20. Plaintiff incorporates by reference, as if completely rewritten herein, the preceding paragraphs of this Complaint.
21. 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).
22. 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).
23. Defendants engaged in unfair and deceptive acts and practices in violation of R.C. 1345.02(A), by continuing to operate after their surety bond was cancelled, in violation of R.C. 4505.181(A)(2).
24. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 *et seq.* The 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.*, 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 Defendants and any officers, agents, representatives, salespeople, employees, successors and assigns and all persons acting in concert or participating with them, 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.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *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, and motor vehicle title violations.
- D. ORDER Defendants liable for payment to the TDR 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 \$25,000.00 for each of the appropriate unfair and 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, Defendants to maintain in their possession and control for a period of five (5) years all business records relating to the Defendants' 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 Defendants be enjoined from engaging in consumer transactions as a Supplier in the State of Ohio until they have satisfied all payments, civil penalties, court costs, repaid the TDR Fund and have posted the required R.C. 4505.181 surety.

- H. ORDER that the Defendants be prohibited from maintaining, renewing or applying for an auto dealer or salesperson license under Chapter 4517 of the Revised Code.
- I. GRANT Plaintiff its costs in bringing this action, including, but not limited to, the costs of collecting on any judgment awarded.
- J. ORDER the Defendants to pay all court costs.
- K. GRANT such other relief as the Court deems to be just, equitable and appropriate.

Dave Yost  
Ohio Attorney General

*/s/ Rosemary E. Rupert*

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