



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

**Court of Common Pleas**

**New Case Electronically Filed:**  
**October 4, 2016 09:07**

By: ROSEMARY E. RUPERT 0042389

Confirmation Nbr. 872511

STATE OF OHIO EX REL. MICHAEL DEWINE  
ATTORNEY, ETC

CV 16 869934

vs.

OHIO AUTO CREDIT LLC, ET AL

**Judge:**

JOAN SYNENBERG

**Pages Filed: 7**

IN THE COURT OF COMMON PLEAS OF CUYAHOGA COUNTY, OHIO

STATE OF OHIO, ex rel.	)	CASE NO.
MICHAEL DEWINE	)	
ATTORNEY GENERAL OF OHIO	)	
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>
OHIO AUTO CREDIT LLC	)	<b><u>PENALTIES, AND OTHER</u></b>
c/o Mark Gallo, Statutory Agent	)	<b><u>APPROPRIATE RELIEF</u></b>
203 N. Main St.	)	
Wellington, Ohio 44090	)	
	)	
and	)	
	)	
MARK GALLO, Individually	)	
203 N. Main St.	)	
Wellington, Ohio 44090	)	
	)	
and	)	
	)	
TIM CAMPBELL, Individually	)	
5399 Otten Rd.	)	
North Ridgeville, Ohio 44039	)	
	)	
Defendants.	)	

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 Defendants, hereinafter described, have occurred in the State of Ohio, Cuyahoga 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. Defendants, as described below, were “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” as that term is defined in R.C. 1345.01(A).
4. 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) and (D).
5. The actions of Defendants, hereinafter described, have occurred in the State of Ohio and Cuyahoga 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 Defendants operated their business from, and engaged in some of the transactions complained of herein in Cuyahoga County.

#### STATEMENT OF FACTS

8. Defendant Ohio Auto Credit LLC (“OAC”) was an Ohio limited liability corporation last operating at 15150 Lorain Ave., Cleveland, Ohio 44111.
9. On information and belief, Defendant Mark Gallo (“Gallo”) is an individual whose last

known address is 123 AB Ct., Wellington Ohio 44090.

10. On information and belief, Defendant Tim Campbell (“Campbell”) is an individual whose last known address is 5399 Otten Rd., North Ridgeville, Ohio 44039.
11. Defendants Gallo and Campbell had an ownership interest in and operated OAC, and dominated, controlled and directed the business activities and sales conduct of OAC, and exercised the authority to establish, implement or alter the policies of OAC, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
12. 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 from their location in Cleveland to consumers residing in Cuyahoga and other Ohio counties.
13. Defendants, operating under the name Ohio Auto Credit LLC, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
14. At all relevant times hereto, Defendant OAC held license #UD019950 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.
15. At all relevant times hereto, the Defendants were displaying or selling used motor vehicles at the OAC 15150 Lorain Rd. location.
16. The Defendants failed to file applications for certificate of title within Thirty (30) days after the assignment or delivery of a motor vehicle.

17. The Defendants failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of motor vehicles.
18. Title Defect Recision consumer claims totaling Twenty Seven Thousand Two Hundred Fifty-One Dollars and Sixty-Seven Cents (\$27,251.67) thus far was paid from the Title Defect Recision 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 motor vehicles.
19. The Defendants failed to pay off a loan that the Defendants promised a consumer would be paid for a vehicle traded in as part of the transaction when the consumer purchased a used motor vehicle from the Defendants.
20. The Defendants failed to return vehicles to consumers who had left their vehicles at Defendants business location so that the Defendants could perform promised repairs on vehicles the consumers had purchased from the Defendants.

CAUSE OF ACTION  
VIOLATIONS OF THE CONSUMER SALES PRACTICES ACT

21. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs One through Twenty (1-20) of this Complaint.
22. The Defendants 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 of delivery of motor vehicles as required by R.C. 4505.06(A)(5)(b).
23. The Defendants engaged in 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).

24. The acts or practices described in the preceding two paragraphs have been previously determined by Ohio courts to violate the Consumer Sales Practices Act, 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).
25. The Defendants engaged in unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act, R.C. 1345.02(A), by misrepresenting to a consumer that Defendants would pay off a loan for a vehicle the consumer traded in as part of the transaction when the consumer purchased a used motor vehicle from the Defendants.
26. The Defendants engaged in unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act, R.C. 1345.02(A), by misrepresenting to consumers that vehicles they had purchased from the Defendants would be repaired and returned when the vehicles were neither repaired nor returned to the consumers who had left their vehicles at Defendants business location so that the Defendants could perform the promised repairs.

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 Defendants and their officers, agents, servants, representatives, salespeople, employees, successors and 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 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 Defendants jointly and severally 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 jointly and severally liable for reimbursement to the 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, jointly and severally, a civil penalty of \$25,000.00 for each of the appropriate unfair or deceptive acts alleged in the Complaint, pursuant to R.C. 1345.07(D).
- F. ASSESS, FINE, AND IMPOSE upon Defendants, jointly and severally, an additional civil penalty of not more than \$200.00 for each violation of the Certificate of Motor Vehicle Title Act, pursuant to R.C. 4505.99.
- G. 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.

- H. Order that the Defendants be enjoined from engaging in consumer transactions as suppliers in the State of Ohio until they have satisfied all restitution, civil penalties, and made reimbursement to the Title Defect Recision Fund.
- I. Order that Defendants Mark Gallo and Tim Campbell be prohibited from applying for or maintaining an auto dealer or salesperson license under Chapter 4517 of the Revised Code.
- J. ORDER the Defendants to pay all court costs.
- K. GRANT such other relief as the Court deems to be just, equitable and appropriate.

Respectfully submitted,

MICHAEL DEWINE  
Attorney General



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