

IN THE COURT OF COMMON PLEAS
WOOD COUNTY, OHIO

STATE OF OHIO ex rel.)	
ATTORNEY GENERAL)	CASE NO.
DAVE YOST)	
30 E. Broad Street, 14th Floor)	JUDGE
Columbus, Ohio 43215)	
)	
Plaintiff,)	
)	
v.)	<u>COMPLAINT AND REQUEST FOR</u>
)	<u>DECLARATORY JUDGMENT,</u>
JOHN E. STAUFFER)	<u>INJUNCTIVE RELIEF,</u>
10297 Scarlet Oak Dr.)	<u>CONSUMER DAMAGES,</u>
Perrysburg, Ohio 43551)	<u>CIVIL PENALTIES, AND</u>
)	<u>OTHER APPROPRIATE RELIEF</u>
and)	
)	
KJNS ENTERPRISES LLC)	
d/b/a PRESTIGE FAMILY CARS)	
7444 Fremont Pike)	
Perrysburg, Ohio 43551)	
)	
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 Defendant John E. Stauffer (“Stauffer”) and Defendant KJNS Enterprises

LLC (“KJNS”) doing business as Prestige Family Cars (collectively “Defendants”) have occurred in the State of Ohio, including in Wood 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)(1), 3(C)(2), and 3(C)(3) in that Wood County is where Defendant Stauffer resides, where Defendants’ principal place of business was located, and where Defendants conducted activities that gave rise to Plaintiff’s claims for relief.

DEFENDANTS

5. Defendant Stauffer is a natural person who resides at 10297 Scarlet Oak Drive, Perrysburg, Ohio 43551.
6. Defendant KJNS is an Ohio limited liability company that had a principal place of business located at 7444 Fremont Pike, Perrysburg, Ohio 43551.
7. In November 2006, Defendant Stauffer filed Articles of Organization with the Ohio Secretary of State for Defendant KJNS Enterprises LLC.
8. Prestige Family Cars is an unregistered, fictitious business name.
9. Defendant Stauffer did business using the names KJNS Enterprises LLC and Prestige Family Cars to sell used motor vehicles.
10. Defendant Stauffer also obtained a salesperson’s license at another dealership, Schuster’s Auto, and, in some instances, intermixed paperwork from Shuster’s with KJNS Enterprises LCC and Prestige Family Cars in completing consumer transactions.

11. Defendant KJNS did business using the name Prestige Family Cars to sell used motor vehicles.
12. Defendant Stauffer dominated, controlled, directed, and approved the business activities and sales conduct of Defendant KJNS at the time of the violations set forth in this Complaint and caused, personally participated in, or ratified the acts and practices of KJNS as described in this Complaint.
13. Defendants Stauffer and KJNS operated their used vehicle dealership, named Prestige Family Cars, at 7444 Fremont Pike, Perrysburg, Ohio 43551, during the time relevant to the transactions described in this Complaint.
14. 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 to consumers.
15. 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

16. Defendant KJNS held used motor vehicle dealer license number UD016680, issued 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.
17. On April 20, 2016, the Attorney General filed a lawsuit against Defendant Stauffer and Defendant KJNS alleging that they had violated the CSPA and Certificate of Motor Vehicle

Title Act in connection with their sale of used motor vehicles. *See* Wood County Court of Common Pleas, Case No. 2016-CV-0231.

18. In that 2016 lawsuit, the parties settled the case when Stauffer and KJNS entered into a Consent Judgment and Agreed Entry and Order (“CJ”) with the Attorney General on August 24, 2016. KJNS and Stauffer agreed to be permanently enjoined from engaging in acts or practices that violate the CSPA or the Certificate of Motor Vehicle Title Act, and they paid back the \$14,939.44 they owed to the Title Defect Recision Fund (“TDRF”). Per the CJ, KJNS and Stauffer also agreed to pay a \$15,000 civil penalty, which was suspended “so long as Defendants are in compliance with all of the provisions of this entry and have made full and complete reimbursement to the TDRF...prior to the execution of this Consent Judgment.”
19. Defendants Stauffer and KJNS continued to engage in some of the practices they agreed to be enjoined from in the 2016 CJ.
20. Defendants solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
21. At all relevant times hereto, Defendants displayed and sold used motor vehicles at the Prestige Family Cars dealership location.
22. Defendants failed to file applications for certificate of title within 30 days after the assignment or delivery of motor vehicles.
23. Defendants sold motor vehicles to consumers that did not have certificates of title issued in the name of the dealership at the time of sale.
24. Defendants failed to obtain certificates of title in the name of consumer purchasers on or before the 40th day after the sale of motor vehicles.

25. Plaintiff received complaints from consumer purchasers related to Defendants' failure to obtain a title in the name of consumer purchasers within 40 days of the date of the sale.
26. Plaintiff subsequently acted as the consumer purchasers' representative and provided notices of a request for rescission to the Defendants and gave the Defendants the opportunity to refund the full purchase price of the motor vehicles.
27. Defendants failed to refund the vehicles' purchase price in response to the Plaintiff's requests for rescission.
28. Defendants further failed to refund the vehicles' purchase price or otherwise reach a satisfactory compromise with retail purchasers within seven business days of the Attorney General's presentation of the retail purchasers' rescission claims.
29. Subsequently, the consumer purchasers applied to the Attorney General for payment from the TDRF for the full purchase price of the vehicles.
30. To date, claims totaling \$6,883.25 have been paid from the TDRF administered by the Attorney General's Office in connection with Defendants' sales of three different motor vehicles.
31. The Motor Vehicle Dealer's Board revoked Defendant KJNS's motor vehicle dealer license, effective April 2024.
32. The Defendants' car dealership, Prestige Family Cars, is no longer in business.

CAUSE OF ACTION

Violation of the CSPA and Certificate of Motor Vehicle Title Act

33. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
34. Defendants have committed deceptive acts or practices in violation of R.C. 1345.02 of the

CSPA, by operation of R.C. 4505.181(H) of the Certificate of Motor Vehicle Title Act, by selling motor vehicles to consumers in the ordinary course of business, failing to obtain a title in the name of the retail purchaser, receiving a notice of request for rescission, and then failing to comply with their obligation to deliver a full refund of the purchase price of the motor vehicle in violation of divisions (B) and (C) of R.C. 4505.181.

35. Such acts and practices have been previously determined by Ohio courts to violate the CSPA. Defendants committed said violations after such decisions were made 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 Defendants, doing business under their own names, the names John E. Stauffer, KJNS Enterprises LLC, Prestige Family Cars, Prestige Family Cars LLC, Schuster's Auto Sales, or any other names, their agents, representatives, salespeople, employees, successors, or assigns, and all persons acting in concert and participation with them, directly or indirectly, from committing any unfair, deceptive, or unconscionable acts or practices that violate the CSPA, R.C. 1345.01 et seq., or the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq., including, but not limited to, 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 damages to all consumers injured

by Defendants' conduct.

- D. ORDER Defendants jointly and severally liable, pursuant to R.C. 1345.52, for payment to the Attorney General's TDR Fund for funds expended to resolve title defects caused by the Defendants' motor vehicle title violations.
- E. ASSESS, FINE, AND IMPOSE upon Defendants a civil penalty of \$25,000 for each separate and appropriate violation of the CSPA described herein, pursuant to R.C. 1345.07(D).
- F. 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, and any other court in Ohio, in connection with a consumer transaction.
- G. ISSUE A PERMANENT INJUNCTION prohibiting Defendants from applying for or being granted any motor vehicle dealer license under Chapter 4517 of the Revised Code.
- H. GRANT Plaintiff its costs in bringing this action including, but not limited to, the costs of collecting on any judgment awarded.
- I. ORDER Defendants to pay all court costs.
- J. GRANT such other relief as the Court deems to be just, equitable, and appropriate.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

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