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**IN THE COURT OF COMMON PLEAS
FAYETTE COUNTY, OHIO**

STATE OF OHIO, ex rel.)	CASE NO.
ATTORNEY GENERAL)	
DAVE YOST)	
30 East Broad St., 14th Floor)	JUDGE
Columbus, Ohio 43215)	
)	
Plaintiff,)	<u>COMPLAINT FOR</u>
)	<u>DECLARATORY JUDGMENT,</u>
v.)	<u>INJUNCTIVE RELIEF,</u>
)	<u>RESTITUTION, CIVIL</u>
ROBINSON AUTO, LLC)	<u>PENALTIES, AND OTHER</u>
c/o Registered Agent)	<u>APPROPRIATE RELIEF</u>
Northwest Registered Agent Service, Inc.)	
6545 Market Ave., N., Ste. 100)	
North Canton, Ohio 44724)	
)	
and)	
)	
SHAWN D. ROBINSON, Individually)	
12920 Selsor Moon Rd.)	
South Solon, Ohio 43153)	
)	
Defendants.)	

JURISDICTION

1. 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.*
2. The actions of Defendants Robinson Auto, LLC ("Robinson Auto") and Shawn DeWayne Robinson ("Robinson") (collectively "Defendants"), hereinafter described, have occurred in the State of Ohio, Fayette 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.*

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)(3), in that some of the transactions complained of herein occurred in Fayette County, Ohio.

DEFENDANTS

5. Defendant Robinson Auto is a domestic limited liability company conducting business in Fayette County and other counties in the State of Ohio with its principal place of business having been located at 9 West High Street, Jeffersonville, Ohio 43128.
6. Defendant Robinson Auto 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 UD024486. The permit is active.
7. Defendant Robinson is an individual who, on information and belief, resides at 12920 Selsor Moon Rd., South Solon, Ohio 43153.
8. On information and belief, Defendant Robinson is the principal owner of Robinson Auto and dominated, controlled and directed the business activities and sales conduct of Robinson Auto, exercised the authority to establish, implement or alter the policies of Robinson Auto, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
9. Defendants, as described below, are each a “supplier” as Defendants were, at all times relevant herein, engaged in the business of effecting or soliciting “consumer transactions” either directly or indirectly, by offering for sale, selling or financing the purchase of used

motor vehicles to “consumers” for purposes that were primarily for personal, family, or household use, as those terms are defined in R.C. 1345.01(A), (C), and (D).

STATEMENT OF FACTS

10. 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 Fayette and other Ohio counties.
11. Defendants solicited individual Ohio consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
12. In some instances, the Defendants did not have physical possession of the titles and/or the vehicles were not titled to the Defendants on the dates the vehicles were sold to consumers.
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 complaints with the Ohio Attorney General.
16. Title Defect Recision (“TDR”) claims totaling \$62,453.50 have been paid from the TDR Fund pursuant to R.C. 4505.181 and administered by the Ohio Attorney General’s Office for the Defendants’ failure to transfer title.
17. As required by Ohio Adm.Code 4501:1-3-11, Defendants had a surety bond of \$25,000.00. Defendants’ surety bond #CSC-110255 was active between November 3, 2022 and November 3, 2023.

18. The Ohio Attorney General's Office made a claim against Defendants' surety bond and recouped \$25,000.00 for the TDR Fund, leaving \$37,453.50 owed to the TDR Fund.

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

19. Plaintiff incorporates by reference, as if completely rewritten herein, the preceding paragraphs of this Complaint.
20. 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).
21. 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).
22. 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, pursuant to R.C. 1345.52, liable 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 \$25,000.00 for each of the appropriate unfair and deceptive acts alleged in the Complaint, pursuant to R.C. 1345.07(D).
- 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, made full repayment to the TDR Fund and posted the required R.C. 4505.181 surety bond.
- 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.

Respectfully submitted,

OHIO ATTORNEY GENERAL
DAVE YOST

A handwritten signature in blue ink that reads "Rebecca F. Schlag". The signature is written in a cursive style with a clear, legible font.

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