

IN THE COURT OF COMMON PLEAS  
STARK COUNTY, OHIO

**FILED**  
SEP 11 2020  
LOUIS P. GIAVASIS  
STARK COUNTY OHIO  
CLERK OF COURTS

STATE OF OHIO ex rel. )  
ATTORNEY GENERAL )  
DAVE YOST )  
30 E. Broad Street, 14th Floor )  
Columbus, Ohio 43215 )  
  
Plaintiff, )  
  
v. )  
  
ADVANCED CAPITAL SOLUTIONS, INC. )  
555 Market Avenue N., Suite 205 )  
Canton, Ohio 44702 )  
  
Defendant. )

CASE NO.

JUDGE

**2020 CV 01259**

**Forchione**

**COMPLAINT AND REQUEST  
FOR DECLARATORY JUDGMENT,  
INJUNCTIVE RELIEF,  
CONSUMER DAMAGES,  
AND CIVIL PENALTIES**

**JURISDICTION AND VENUE**

1. Plaintiff, State of Ohio, through 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 Advanced Capital Solutions, Inc. ("Defendant") have occurred in the State of Ohio, in Stark County and in other counties in Ohio and, as set forth below, are in violation of the Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 et seq., and the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. 1692 - 1692(p).
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)(2) and (C)(3), in that Stark County is where Defendant's principal place of business is located and where Defendant conducted some of the transactions complained of herein.

5. Defendant is an Ohio corporation whose principal place of business was located at 5553 Whipple Avenue NW, North Canton, Ohio 44720 at all times relevant herein.
6. Defendant has represented that its principal place of business has recently moved to 555 Market Avenue N., Suite 205, Canton, Ohio 44702.
7. Defendant is a "supplier" as that term is defined in R.C. 1345.01(C) of the CSPA as Defendant has, at all times relevant herein, engaged in the business of effecting consumer transactions either directly or indirectly by enforcing or attempting to enforce the payment of debts allegedly owed by consumers, which arose from consumer transactions for primarily personal, family, or household purposes within the meaning specified in R.C. 1345.01(A) and (D).
8. Defendant is a "debt collector" as that term is defined in 15 U.S.C. 1692(a)(6) of the FDCPA as Defendant has, at all times relevant herein, used an instrumentality of interstate commerce or the mail in any business the principal purpose of which is the collection of any debts, as defined by 15 U.S.C. 1692(a)(5), or regularly collected or attempted to collect, directly or indirectly, debts owed or due or asserted to be owed or due another, from individuals in Stark County and other counties in the State of Ohio and throughout the United States.

#### **STATEMENT OF FACTS**

9. Defendant engages in the practice of debt collection by regularly collecting or attempting to collect debts from consumers that are due or alleged to be due.
10. Some of the debts Defendant attempts to collect are purchased by Defendant and others are placed for collection with Defendant by creditors for the purpose of attempting to collect the debts from consumers.
11. Defendant attempts to collect on alleged debts by placing telephone calls to alleged consumer debtors.

12. Defendant collects, or attempts to collect, debts by using prohibited debt collection methods.
13. Defendant engages in conduct that is harassing or abusive to consumers in an effort to intimidate consumers into paying debts allegedly owed.
14. Defendant attempts to collect debts that are not owed by the consumers or that the consumers had already paid off.
15. Defendant attempts to collect debts that have been discharged in bankruptcy.
16. Defendant contacts third parties, including family members, co-workers, and employers, and reveals that it is attempting to collect debts from consumers.
17. Defendant threatens actions against consumers when there is no legal authority or intention to do so if consumers do not pay the alleged debts.
18. Defendant attempts to collect debts by representing or implying that nonpayment of debts will result in the filing of civil actions when such actions against the debtor were not lawful or the Defendant did not intend to take such action.
19. Defendant continues to attempt to collect debts after being informed that the debt has already been paid.
20. Defendant's employees fail to identify themselves as debt collectors during telephone calls to consumers while attempting to collect debts.
21. Defendant continues to contact consumers' employers even after being told to cease such communications.

**CAUSE OF ACTION: VIOLATIONS OF THE CSPA**

**COUNT I**

**Noncompliance with the FDCPA**

22. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs One through Twenty-One (1-21) of this Complaint.

23. Defendant committed unfair or deceptive, and unconscionable acts or practices in violation of the CSPA, R.C. 1345.02(A) and R.C. 1345.03(A), by using debt collection methods that violate the FDCPA, 15 U.S.C. 1692 – 1692p.

24. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 et seq. Defendant committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

## **COUNT II**

### **Engaging in Harassing or Abusive Behavior**

25. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs One through Twenty-One (1-21) of this Complaint.

26. Defendant committed unfair or deceptive, and unconscionable acts or practices in violation of the CSPA, R.C. 1345.02(A) and R.C. 1345.03(A), by engaging in conduct the natural consequence of which is to harass, oppress, or abuse in connection with the collection of a debt.

27. Defendant committed unfair or deceptive, and unconscionable acts or practices in violation of the CSPA, R.C. 1345.02(A) and R.C. 1345.03(A), by contacting consumers repeatedly or continuously by telephone to collect alleged debts after the consumers advised Defendant that they were not the persons who owed the alleged debts and they did not know the persons who Defendant was trying to contact.

28. Defendant committed unfair or deceptive, and unconscionable acts or practices in violation of the CSPA, R.C. 1345.02(A) and R.C. 1345.03(A), by communicating with consumers in the collection of debts at the consumers' places of employment when the Defendant knew or had reason to know that the consumers' employers prohibited the consumers from receiving such communications.

29. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 et seq. Defendant committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

### **COUNT III**

#### **Improper Communications With Third Parties**

30. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs One through Twenty-One (1-21) of this Complaint.

31. Defendant committed unfair or deceptive, and unconscionable acts or practices in violation of the CSPA, R.C. 1345.02(A) and R.C. 1345.03(A), by communicating with persons other than the consumers—including the consumers' employers, co-workers, or family members—in the collection of debts, without the prior consent of the consumers.

32. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 et seq. Defendant committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

### **COUNT IV**

#### **False, Misleading, or Deceptive Representations**

33. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs One through Twenty-One (1-21) of this Complaint.

34. Defendant committed unfair or deceptive, and unconscionable acts or practices in violation of the CSPA, R.C. 1345.02(A) and 1345.03(A), by making false, misleading, or deceptive representations in connection with the collection of a debt.

35. Defendant committed unfair or deceptive, and unconscionable acts or practices in violation of the CSPA, R.C. 1345.02(A) and R.C. 1345.03(A), by attempting to collect debts by

threatening actions against consumers when Defendant had no legal authority or intention to take such action.

36. Defendant committed unfair or deceptive, and unconscionable acts or practices in violation of the CSPA, R.C. 1345.02(A) and 1345.03(A), by representing or implying that nonpayment of debts would result in the filing of civil actions when such actions were not lawful or the Defendant did not intend to take such action.

37. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 et seq. 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 requests that this Court grant the following relief:**

- A. ISSUE A PERMANENT INJUNCTION, pursuant to R.C. 1345.07(A)(2), enjoining Defendant Advanced Capital Solutions, Inc., its agents, representatives, salespeople, employees, successors, or assigns, and all persons acting in concert or participating with it, directly or indirectly, from engaging in the acts or practices of which Plaintiff complains and from committing any unfair, deceptive, or unconscionable acts or practices that violate the CSPA, R.C. 1345.01 et seq., or the FDCPA, 15 U.S.C. 1692 - 1692(p), including, but not limited to, violating the specific statutes 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 FDCPA, 15 U.S.C. 1692 - 1692(p), in the manner set forth in this Complaint.
- C. ORDER Defendant, pursuant to R.C. 1345.07(B), to pay damages to all consumers injured by the conduct of the Defendant as set forth in this Complaint.

- D. ASSESS, FINE, AND IMPOSE upon Defendant a civil penalty of \$25,000 for each separate and appropriate violation described herein, pursuant to R.C. 1345.07(D).
- E. GRANT Plaintiff its costs in bringing this action including, but not limited to, the costs of collecting on any judgment awarded.
- F. ORDER Defendant to pay all court costs.
- G. ISSUE AN INJUNCTION prohibiting Defendant from engaging in business as a supplier in any consumer transaction in the State of Ohio until such time as it has satisfied all monetary obligations due hereunder.
- H. GRANT such other relief as the Court deems to be just, equitable, and appropriate.

Respectfully submitted,

DAVE YOST  
Attorney General

*Tracy Morrison Dickens by Michael [Signature]*  
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