

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

STATE OF OHIO ex rel.)
ATTORNEY GENERAL)
DAVE YOST)
411 Vine Street, 17th Floor)
Cincinnati, OH 45202)

Case No:

Judge:

Plaintiff,

v.

PELICAN INVESTMENT HOLDINGS, LLC)
1300 N. Congress Ave.)
West Palm Beach, Florida 33409)

**COMPLAINT AND REQUEST
FOR DECLARATORY
JUDGMENT, INJUNCTIVE
RELIEF CIVIL PENALTIES, AND
OTHER APPROPRIATE RELIEF**

GUSTAV C. RENNY)
218 Edgewood Dr.)
West Palm Beach, Florida 33405)

VAJIRA SAMARARATNE)
55 Thrasher)
Irvine, California 92618)

STACEY E. YIM)
66 Hawking)
Irvine, California 92618)

RONALD D. EDDINGTON, JR.)
24251 Spartan St.)
Mission Viejo, California 92691)

JOSEPH E. HILL, JR.)
20121 Big Bend Ln.)
Huntington Beach, California 92646)

DIMENSION SERVICE CORPORATION)
5500 Frantz Rd., STE 120)
Dublin, Ohio 43017)

HAYTHAM H. ELZAYN)
2470 Lane Ave.)
Columbus, Ohio 43220)

AUTOGUARD ADVANTAGE CORPORATION)
5500 Frantz Road, Suite 120)
Dublin, OH 43017)
)
NATIONAL ADMINISTRATIVE SERVICE)
CO., LLC)
5500 Frantz Road, Suite 120)
Dublin, OH 43017)
)
FALCON ENDEAVORS)
1309 Coffeen Ave., STE 4165)
Sheridan, Wyoming 82801)
)
MB HOLDINGS GROUP)
1300 N. Congress Ave.)
West Palm Beach, Florida 33409)
)
)
Defendants.)
)

JURISDICTION AND VENUE

1. Plaintiff, State of Ohio, by and through its counsel, Ohio 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 him by R.C. 4719.01 *et seq.* and R.C. 1345.01 *et seq.*
2. The actions hereinafter described of Defendants have occurred in Franklin County and other counties in the State of Ohio and, as set forth herein, are in violation of the Telephone Solicitation Sales Act (“TSSA”), R.C. 4719.01 *et seq.* and the Consumer Sales Practices Act (“CSPA”), R.C. 1345.01, *et seq.*, and its Substantive Rules, O.A.C. 109:4-3-01 *et seq.*
3. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 4719.12 of the TSSA and 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 Franklin County is where Defendants conducted activity that gave rise to the claims for relief.

DEFENDANTS

5. Defendant **Pelican Investment Holdings, LLC** (“Pelican”) also doing business as Affordable Auto Shield, AAP, and Auto Service Department, is a Delaware corporation formed in November 2020 with its principal place of business in West Palm Beach, Florida.
6. Defendant **Dimension Service Corporation** (“Dimension”) is an Ohio corporation formed in June 1994 with its principal place of business in Dublin, Ohio.
7. Defendant **Autoguard Advantage Corporation** (“Autoguard”) is an Ohio corporation formed in July 1996 with its principal place of business in Dublin, Ohio.
8. Defendant **National Administrative Service Co., LLC** (“NAS”) is an Ohio corporation formed in October 2001 with its principal place of business in Dublin, Ohio.
9. Defendant **Falcon Endeavors, Inc.** (“Falcon Endeavors”) is a Wyoming corporation owned by Defendant Renny that was formed in March 2018 with its principal place of business in Sheridan, Wyoming. Falcon Endeavors was a manager of Defendant Pelican.
10. Defendant **MB Holdings Group** (“MB Holdings”) is a Nevada corporation owned by Defendant Samararatne that was formed in April 2020 with its principal place of business in Las Vegas, Nevada. MB Holdings is a manager of Defendant Pelican.
11. Defendant **Gustav C. Renny** (“Renny”) is an actual or de facto owner, officer or member of Defendant Pelican. Defendant Renny at all times pertinent hereto controlled and directed the business activities and sales conduct of Defendants Pelican and Falcon Endeavors causing, personally participating in, or ratifying the acts and practices of

Defendants Pelican and Falcon Endeavors, including the conduct giving rise to the violations described herein.

12. Defendant **Vajira Samararatne** (“Samararatne”) is an actual or de facto owner, officer or member of Defendants Pelican and MB Holdings. Defendant Samararatne at all times pertinent hereto controlled and directed the business activities and sales conduct of Defendants Pelican and MB Holdings causing, personally participating in, or ratifying the acts and practices of Defendants Pelican and MB Holdings, including the conduct giving rise to the violations described herein.
13. Defendant **Stacey E. Yim** (“Yim”) is an actual or *de facto* owner, officer or member of Defendant Pelican. Defendant Yim at all times pertinent hereto controlled and directed the business activities and sales conduct of Defendant Pelican causing, personally participating in, or ratifying the acts and practices of Defendant Pelican, including the conduct giving rise to the violations described herein.
14. Defendant **Ronald D. Eddington, Jr.** (“Eddington”) is an actual or *de facto* owner, officer or member of Defendant Pelican. Defendant Eddington at all times pertinent hereto controlled and directed the business activities and sales conduct of Defendant Pelican causing, personally participating in, or ratifying the acts and practices of Defendant Pelican, including the conduct giving rise to the violations described herein.
15. Defendant **Joseph E. Hill, Jr.** (“Hill”) is an actual or *de facto* owner, officer or member of Defendant Pelican. Defendant Hill at all times pertinent hereto controlled and directed the business activities and sales conduct of Defendant Pelican causing, personally participating in, or ratifying the acts and practices of Defendant Pelican including the conduct giving

rise to the violations described herein.

16. Defendant **Haytham H. Elzayn** (“Elzayn”) is an officer and director of Defendants Dimension, Autoguard, and NAS. Defendant Elzayn at all times pertinent hereto controlled and directed the business activities and sales conduct of Defendants Dimension, Autoguard and NAS causing, personally participating in, or ratifying the acts and practices of Defendants Dimension, Autoguard and NAS, including the conduct giving rise to the violations described herein.

STATEMENT OF FACTS

17. Defendants Dimension, Autoguard and NAS are administrators of automobile service contracts who engage businesses, including Defendant Pelican, to generate leads for the marketing and selling of automobile service contracts.
18. Defendants marketed and sold, via telephone, the goods and services of third parties, including automobile service contracts, to consumers for a fee.
19. Defendants contracted with leads generators to initiate outbound telephone calls to residential telephone lines using artificial or prerecorded messages.
20. Once a call was connected with a consumer, the lead generators transferred the call to a call center employed by Defendants where a consumer’s background information was obtained.
21. The call would then be transferred to another call center employed by Defendants where the transaction would be closed.
22. In marketing and selling the goods and services to consumers, Defendants engaged in telephone solicitations by initiating outbound telephone calls to residential and/or cellular

telephone numbers of Ohio residents to represent the price and availability of goods and services and to induce the persons to make purchases.

23. Defendants are “telephone solicitor[s],” as that term is defined in R.C. 4719.01(A)(8), as they were, at all times relevant herein, engaged in telephone solicitation to persons, including persons in Ohio.
24. Defendants are “suppliers,” as that term is defined in R.C. 1345.01(C), as they were, at all times relevant herein, engaged in the business of effecting and soliciting “consumer transactions” for purposes that are primarily personal, family, or household within the meaning specified in R.C. 1345.01(A).
25. Defendants failed to obtain a certificate of registration to be a telephone solicitor from the Ohio Attorney General’s Office.
26. Defendants failed to obtain and file a copy of a surety bond with the Ohio Attorney General’s Office, in connection with being a telephone solicitor.
27. Defendants entered into verbal agreements with consumers to provide automobile service warranties.
28. After entering into a verbal agreement with consumers, Defendants failed to secure a signed, written confirmation of the agreement that includes certain required information including, but not limited to, the name of the telephone solicitor and the number of the telephone solicitor’s certificate of registration or registration renewal.
29. In some instances, Defendants represented to consumers that the automobile service warranties were extensions of an existing warranty policy when they were not.

30. In some instances, Defendants represented to consumers that the automobile service warranties were issued by various car manufacturers when they were not.

FIRST CAUSE OF ACTION: VIOLATIONS OF THE TSSA

TSSA COUNT I – FAILURE TO REGISTER

31. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
32. Defendants violated the TSSA, R.C. 4719.02(A), by acting as a telephone solicitor without first obtaining a certificate of registration from the Ohio Attorney General.

TSSA COUNT II – FAILURE TO POST A BOND

33. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
34. Defendants violated the TSSA, R.C. 4719.04(A), by acting as a telephone solicitor without first obtaining and filing with the Ohio Attorney General’s Office a copy of a surety bond that complies with R.C. 4719.04(A)(1) through (4).

**TSSA COUNT III – FAILURE TO SECURE A SIGNED WRITTEN
CONFIRMATION CONTAINING ALL STATUTORILY REQUIRED
INFORMATION**

35. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
36. Defendants violated the TSSA, R.C. 4719.07 by failing to secure a signed written confirmation of a verbal agreement that included all required information including but not limited to the name of the telephone solicitor and the number of the telephone solicitor’s certificate of registration or registration renewal.

SECOND CAUSE OF ACTION: VIOLATIONS OF THE CSPA

CSPA COUNT I – FAILURE TO REGISTER

37. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
38. Defendants committed unfair or deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by acting as a telephone solicitor without first obtaining a certificate of registration from the Ohio Attorney General.
39. The acts or practices described above have been previously determined by an Ohio court to violate the CSPA, R.C. 1345.01 *et seq.* Defendants committed said violations after such decision was available for public inspection pursuant to R.C. 1345.05(A)(3).

CSPA COUNT II – MISREPRESENTATION

40. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
41. Defendants committed unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), and R.C. 1345.02(B)(1), by initiating telephone solicitations, directly or as a result of a third party acting on their behalf, which deceptively represented that the subject of the transaction had sponsorship, characteristics, benefits, particular standards, qualities or affiliations that it did not have – specifically by misrepresenting the nature of the auto warranties being sold through telephone solicitation on behalf of Defendants.
42. The acts or practices described above have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01, *et seq.* 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 DECLARATORY JUDGMENT that each act or practice complained of herein violates the TSSA and the CSPA, in the manner set forth in the Complaint.
- B. ISSUE A PERMANENT INJUNCTION enjoining Defendants, doing business under their own name or any other names, together with its officers, partners, agents, representatives, salespersons, employees, successors or assigns, and all persons acting in concert and participation with it directly or indirectly through any corporate device, partnership or association, from engaging in the acts and practices of which Plaintiff complains and from further violating the TSSA or the CSPA.
- C. ASSESS, FINE and IMPOSE upon Defendants a civil penalty, pursuant to R.C. 4719.12(B), in an amount not less than \$1,000 nor more than \$25,000 for each separate violation of the TSSA described in Count I of Plaintiff's First Cause of Action.
- D. ASSESS, FINE and IMPOSE upon Defendants a civil penalty of up to \$25,000.00 for each separate and appropriate violation of the CSPA described herein pursuant to R.C. 1345.07(D).
- E. GRANT Plaintiff its expenses and attorney's fees incurred in the prosecution of this action, including but not limited to, investigation expenses and the cost of collecting on any judgment awarded.
- F. ORDER Defendants to pay all court costs associated with this matter.

- G. ISSUE AN ORDER ENJOINING Defendants from engaging in consumer transactions as a supplier or telephone solicitor in the State of Ohio until they have satisfied all monetary amounts ordered to be paid in this action.
- H. GRANT such other relief as this Court deems to be just, equitable, and appropriate.

Respectfully submitted,

DAVE YOST
Attorney General

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