

MAINE DISTRICT COURT

District Seven  
 Division of Southern  
 Kennebec  
 Civil Docket No.

STATE OF MAINE,	)	
	)	
Plaintiff	)	
	)	
v.	)	COMPLAINT FOR CIVIL VIOLATIONS
	)	
RAYMOND JOHNSON, d/b/a	)	
R.J. JOHNSON AUTO BODY	)	
	)	
Defendant	)	

INTRODUCTION

1. This is an action to obtain civil penalties for violations of the Used Car Information Act pursuant to 10 M.R.S.A. §§ 1471-1477 (1980 & Supp. 1984) and the Motor Vehicle Examination and Inspection Law pursuant to 29 M.R.S.A. §§ 2501-2525 (1983).

JURISDICTION AND PARTIES

2. This Court has jurisdiction over this action pursuant to 17-A M.R.S.A. § 9(3) (1983).

3. Plaintiff, STATE OF MAINE, a sovereign state, commences this action pursuant to 17-A M.R.S.A. § 4(2) (1983) and 29 M.R.S.A. §§ 2507 and 2507-A (Supp. 1984) and 10 M.R.S.A. §§ 1474 and 1475, by and through the Attorney General.

4. Defendant, RAYMOND JOHNSON, is the sole proprietor of R.J. Johnson Auto Body, a used car dealer, inspection station, and auto body shop. R.J. Johnson Auto Body is certified by the State of Maine as a used car dealer and inspection station with its principal place of business on the Pond Road in the Town of West Gardiner, Kennebec County, Maine. Raymond Johnson is licensed by the State of Maine as an inspection mechanic.

COUNT I

(Violation of Maine's Examination and Inspection Law  
- Released an Uninspected Motor Vehicle for Operation  
on the Highways)

5. On or about the fifth day of February, 1985, in the Town of West Gardiner, Kennebec County, Maine, the above-named Defendant, a dealer of used motor vehicles, permitted a vehicle to wit: a 1977 Subaru DL wagon, serial number A67L008798, which vehicle was owned or controlled by Defendant, to be released for operation upon the highways prior to removing the prior inspection certificate, inspecting the vehicle and placing a valid certificate of inspection on the vehicle.

6. Defendant's conduct as described in the preceding paragraph constitutes a violation of 29 M.R.S.A. § 2507 (Supp. 1984).

COUNT II

(Violation of Maine's Examination and Inspection Law  
-Sale of An Uninspected Motor Vehicle)

7. On or about the fifth day of February, 1985, in the Town of West Gardiner, Kennebec County, Maine, the above-named Defendant, a dealer of used motor vehicles, sold or transferred a certain used motor vehicle to wit: a 1977 Subaru DL wagon, serial number A67L008798, which vehicle was owned or controlled by Defendant, to Madelaine H. Miville for operation upon highways when said motor vehicle, in fact, failed to meet the inspection standards required by 29 M.R.S.A. § 2503 (Supp. 1984) and the rules and regulations promulgated thereunder.

8. Defendant's conduct as described in the preceding paragraph violates 29 M.R.S.A. § 2507-A (Supp. 1984).

COUNT III

(Violation of the Used Car Information Act -  
Breach of Warranty of Inspectability)

9. On or about the fifth day of February, 1985, in the Town of West Gardiner, Kennebec County, Maine, the above-named Defendant, a dealer of used motor vehicles, sold or transferred a certain used motor vehicle to wit: a 1977 Subaru DL wagon, serial number A67L008798, which vehicle was owned or controlled by Defendant, to Madelaine H. Miville, for transportation purposes, when said motor vehicle failed to meet the inspection standard required by 29 M.R.S.A. § 2503 and the rules and regulations promulgated thereunder.

10. Defendant's conduct as described in the preceding paragraph constitutes a violation of 10 M.R.S.A. § 1474(1) (1980 & Supp. 1984).

COUNT IV

(Violation of Used Car Information Act,  
Failure to Provide Required Disclosure)

11. On or about the fifth day of February, 1985, in the Town of West Gardiner, Kennebec County, Maine, the above-named Defendant, a dealer of used motor vehicles, sold, negotiated the sale of, offered for sale or transferred a certain motor vehicle to wit: a 1977 Subaru DL wagon, serial number A67L008798, when said used motor vehicle did not, in fact, have affixed to it a conspicuous written disclosure statement containing the information required by 10 M.R.S.A. § 1475(1) and (2) (1980 & Supp. 1984).

12. Defendant's conduct as described in the preceding paragraph constitutes a violation of 10 M.R.S.A. § 1475(1) and (2) (1980 & Supp. 1984).

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Declare that Defendant has violated 29 M.R.S.A. § 2507 (Supp. 1984) by permitting a vehicle to be released for operation upon the highways prior to removing the prior

inspection sticker, inspecting the vehicle and attaching a valid certificate of inspection to the vehicle.

2. Declare that Defendant has violated 29 M.R.S.A. § 2507-A (Supp. 1984) by selling or transferring a used motor vehicle for operation upon the highways when said motor vehicle failed to meet the inspection standards required by 29 M.R.S.A. § 2503 (Supp. 1984).

3. Declare that Defendant has violated the warranty provision of 10 M.R.S.A. § 1474(1) by selling a used motor vehicle for operation upon the highways when said motor vehicle failed to meet the inspection standards required by 29 M.R.S.A. § 2503 (Supp. 1984).

4. Declare that Defendant has violated 10 M.R.S.A. § 1475(1) and (2) (1980 & Supp. 1984) by failing to affix the required disclosure statement to its used cars.

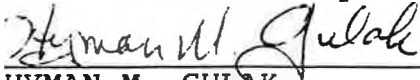
5. Order the Defendant to pay civil penalties pursuant to 29 M.R.S.A. § 2521 (Supp. 1984) for violating 29 M.R.S.A. § 2507 (Supp. 1984).

6. Order the Defendant to pay civil penalties pursuant to 29 M.R.S.A. 2507-A(3) (Supp. 1984) for violation of 29 M.R.S.A. § 2507-A(1) (Supp. 1984).

7. Order the Defendant to pay civil penalties pursuant to 10 M.R.S.A. § 1477(2) (Supp. 1984) for each violation of 10 M.R.S.A. § 1474(1) and § 1475 (1) and (2) (1980 & Supp. 1984).

8. Any other relief the Court deems necessary and proper.

DATED: April 16, 1985

  
\_\_\_\_\_  
HYMAN M. GULAK  
Assistant Attorney General  
Consumer & Antitrust Division  
State House Station 6  
Augusta, Maine 04333  
(207) 289-3661