

RETURN DATE: JUNE 25, 2024	:	SUPERIOR COURT
	:	
STATE OF CONNECTICUT	:	J.D.OF HARTFORD
	:	AT HARTFORD
V.	:	
	:	
A BETTER WAY WHOLESALE AUTOS, INC.	:	MAY 28, 2024

**COMPLAINT**

**COUNT ONE: CUTPA, Gen. Stat. § 42-110m—Unfairness**

1. This is an action under the Connecticut Unfair Trade Practices Act (CUTPA), Chapter 735a of the General Statutes, and more particularly General Statutes § 42-110m, to obtain injunctive relief for Defendant’s violation of General Statutes § 42-110b(a), to obtain such other relief as may be necessary to address the injury to consumers resulting from the Defendant’s violations of law, for disgorgement of ill-gotten gains, for an accounting and other appropriate relief pursuant to General Statutes § 42-110m(a), and for civil penalties pursuant to General Statutes § 42-110o.

2. Plaintiff, State of Connecticut, is represented by William Tong, Attorney General, acting at the request of Bryan Cafferelli, Commissioner of Consumer Protection of the State of Connecticut, pursuant to Chapter 735a of the General Statutes.

3. Defendant, A Better Way Wholesale Autos, Inc. (Defendant or “A Better Way”) is a Connecticut stock corporation with a principal place of business at 423 Rubber Avenue, Naugatuck, CT 06770.

4. Whenever reference is made in this complaint to any act or practice of Defendant, such allegation shall be deemed to allege that the principals, officers,

directors, employees, agents or representatives of Defendant did, or authorized, such act or practice while actively engaged in the scope of their duties.

5. At all relevant times, Defendant has been engaged in trade or commerce in Connecticut as a licensed used motor vehicle dealer as defined in chapter 246 of the General Statutes.

6. Defendant operates a used car dealership in Naugatuck, Connecticut called A Better Way Wholesale Autos.

7. Defendant advertises its dealership as a high-volume, lower-cost used motor vehicle dealership with several hundreds of vehicles in its inventory.

8. General Statutes § 14-62(g) expressly mandates, inter alia: "Before offering any used motor vehicle for retail sale, the selling dealer shall complete a comprehensive safety inspection of such vehicle. Such safety inspection shall cover all applicable equipment and components contained in sections 14-80 to 14-106d, inclusive, and such inspection shall be evidenced on a form approved by the commissioner."

9. The equipment and components delineated in General Statutes §§ 14-80 to 106d include, without limitation, exhaust, brakes, lamps, reflectors, tires, mirrors, seat belts, air conditioning equipment, and airbags.

10. General Statutes § 14-62(g) further provides, inter alia: "The selling dealer shall attest to such form under the penalty of false statement, as prescribed in section 53a-157b, and shall state that the vehicle has undergone any necessary repairs and has been deemed to be in condition for legal operation on any highway of this state."

11. General Statutes § 14-62(g) further provides, inter alia: “In the event defects are found but not repaired, and the vehicle is not subject to any warranty under section 42-221, the selling dealer shall note all such defects on the form and may sell such vehicle in ‘as is’ condition. Any vehicle sold in ‘as is’ condition with one or more defects in the equipment or components shall have the retail purchase order, invoice, title and assignment documents prominently marked as ‘not in condition for legal operation on the highways’ with an explanation of defects noted on such retail purchase order, invoice and safety inspection form.”

12. General Statutes § 14-62(g) further provides, inter alia: “A dealer selling any vehicle pursuant to this subsection shall require a purchaser to acknowledge the vehicle condition by obtaining such purchaser’s signature on the retail purchase order, invoice and safety inspection forms, copies of which shall be furnished to the buyer upon execution.”

13. Defendant has violated and/or is violating General Statutes § 14-62(g) by offering numerous used motor vehicles for sale without documenting the comprehensive safety inspection of the components identified in General Statutes §§ 14-80 to 106d.

14. On information and belief, Defendant has violated and/or is violating General Statutes § 14-62(g) by failing to inspect, repair, and/or document necessary repairs.

15. By engaging in the aforesaid acts and practices, Defendant has violated the public policy against making misrepresentations and nondisclosures and against selling or offering for sale vehicles which have been inspected in accordance with Connecticut law.

16. Defendant's acts and practices, as described herein, are oppressive, unethical, immoral, and unscrupulous.

17. Defendant's acts and practices, as described herein, caused substantial injury to consumers including in that A Better Way advertised and/or sold vehicles that could not have been legally offered for sale in Connecticut.

18. Defendant's acts and practices, as described herein, therefore constitute unfair acts or practices in violation of Gen. Stat. § 42-110b(a).

**COUNT TWO: CUTPA, Gen. Stat. § 42-110m—Deception**

19. Paragraphs 1 through 18 are incorporated by reference as if fully set forth here.

20. By engaging in the aforesaid acts, practices, representations and omissions, Defendant made untrue or misleading statements to consumers regarding the features, performance, and characteristics of the vehicles it offered or sold in that it offered vehicles before performing the required comprehensive safety inspection, leading a reasonable consumer to believe falsely that the offered vehicles were inspected and known to be safe and roadworthy as advertised and would not require further safety inspections or repairs.

21. Defendant's deceptive acts, as described herein, were likely to mislead consumers acting reasonably under the circumstances.

22. Defendant's acts and practices, as described herein, were material to consumers' decisions to purchase vehicles from Defendant.

23. Defendant's acts and practices, as described herein, therefore constitute deceptive acts or practices in violation of Gen. Stat. § 42-110b(a).

**COUNT THREE: CUTPA, Gen. Stat. § 42-110m—Per se**

24. Paragraphs 1 through 23 are incorporated by reference as if fully set forth here.

25. Section 42-110b-28(23) of the Regulations of Connecticut State Agencies provides: “it shall be an unfair or deceptive act or practice for a new car dealer or a used car dealer to violate any provision of a federal or state statute or regulation concerning the sale or lease of motor vehicles.”

26. By violating General Statutes § 14-62(g) as alleged, Defendant has committed numerous per se unfair or deceptive acts or practices.

**COUNT FOUR: CUTPA, Gen. Stat. § 42-110m—Willfulness**

27. Paragraphs 1-26 are incorporated by reference as if fully set forth here.

28. Defendant knew, or should have known, that its conduct was unfair or deceptive in violation of General Statutes § 42-110b, and as a consequence it is subject to civil penalties of not more than \$5,000 per violation pursuant to General Statutes § 42-110b(a).

## **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff claims the following relief:

1. An order pursuant to General Statutes § 42-110m(a), enjoining the Defendants from further violation of General Statutes § 42-110b(a).
2. An order pursuant to General Statutes § 42-110m(a), directing the Defendants to pay restitution.
3. An order pursuant to General Statutes § 42-110o(b), directing the Defendants to pay civil penalties for each willful violation of General Statutes § 42-110b(a).
4. An order pursuant to General Statutes § 42-110m(a), directing the Defendants to disgorge all revenues, profits and gains achieved in whole or in part through the unfair and/or deceptive acts or practices complained of herein.
5. An award of attorneys' fees, pursuant to General Statutes § 42-110m(a).
6. Such other and further relief as the Court deems appropriate.

STATE OF CONNECTICUT  
WILLIAM TONG  
ATTORNEY GENERAL

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**STATEMENT OF AMOUNT IN DEMAND**

The Plaintiff states that the amount in demand is greater than \$15,000, exclusive of interest and costs.

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