

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

STATE OF OHIO ex rel.	)	CASE NO.
ATTORNEY GENERAL	)	
DAVE YOST	)	JUDGE
30 E. Broad Street, 14th Floor	)	
Columbus, Ohio 43215	)	
	)	<b>COMPLAINT AND REQUEST</b>
Plaintiff,	)	<b>FOR DECLARATORY JUDGMENT,</b>
	)	<b>INJUNCTIVE RELIEF,</b>
v.	)	<b>CONSUMER DAMAGES,</b>
	)	<b>AND CIVIL PENALTIES</b>
	)	
CHRIS P. RIVERA, individually and d/b/a	)	
FRANKLIN MOSS & ASSOCIATES	)	
and d/b/a	)	
KOPLAN WELSH & ASSOCIATES	)	
and d/b/a BLACKWELL MATHIS GROUP	)	
3213 Silver Glen Ct.	)	
Orlando, Florida 32819	)	
	)	
and	)	
	)	
	)	
MYRIAD CAPITAL MANAGEMENT INC.	)	
d/b/a	)	
FRANKLIN MOSS & ASSOCIATES	)	
and d/b/a	)	
KOPLAN WELSH & ASSOCIATES	)	
and d/b/a BLACKWELL MATHIS GROUP	)	
37 North Orange Ave., Suite 500	)	
Orlando, Florida 32801	)	
	)	
Defendants.	)	

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**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 Myriad Capital Management Inc. (“Myriad Capital”) and

Defendant Chris P. Rivera (“Rivera”) (collectively “Defendants”) have occurred in the State of Ohio, in Franklin County and in other counties and, as set forth below, are in violation of the Ohio Consumer Sales Practices Act (“CSPA”), R.C. 1345.01 et seq., and the federal 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)(3) in that Franklin County is where Defendants conducted some of the transactions complained of herein.

### **DEFENDANTS**

5. Defendant Rivera is a natural person who, upon information and belief, resides at 6213 Silver Glen Court, Orlando, Florida 32819.
6. Defendant Myriad Capital is a Florida corporation that represents that its principal place of business is located at 37 North Orange Avenue, Suite 500, Orlando, Florida, 32801.
7. On information and belief, Defendant Rivera is the owner and president of Defendant Myriad Capital.
8. Defendants did business in Ohio using the business names Franklin Moss & Associates, Koplan Welsh & Associates, and Blackwell Mathis Group.
9. Defendant Rivera directed, supervised, approved, formulated, authorized, ratified, benefited from, and/or otherwise participated in the acts and practices of Defendant Myriad Capital, as described in this Complaint.
10. Defendants are “suppliers” as that term is defined in R.C. 1345.01(C) of the CSPA as Defendants have, 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).

11. Defendants are “debt collectors” as that term is defined in 15 U.S.C. 1692(a)(6) of the FDCPA as Defendants have, 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 Franklin County and other counties in the State of Ohio and throughout the United States.

#### **STATEMENT OF FACTS**

12. Defendants engage in the practice of debt collection by regularly purchasing debts that are due or alleged to be due and then collecting or attempting to collect the debts from consumers.
13. Defendants attempt to collect on alleged debts by placing telephone calls and sending letters to alleged consumer debtors.
14. Defendants frequently change the names they use when engaging in collection activity, using the names Franklin Moss & Associates, Koplan Welsh & Associates, and Blackwell Mathis Group, and others over the years.
15. Defendants purposefully use business names that sound like law firms.
16. In their written and verbal communications with consumers, Defendants use words that would lead a reasonable consumer to believe they were a law firm, when in fact they are not.
17. Defendants portray themselves as a law firm in order to convince consumers that Defendants would file a lawsuit against them if the consumers do not pay the debts.

18. Defendants collect, or attempt to collect, debts by using prohibited debt collection methods.
19. Defendants contact consumers repeatedly or continuously by telephone to collect alleged debts after the consumers advised Defendants that they were not the persons who owed the alleged debts.
20. Defendants engage in conduct that is harassing or abusive to consumers in an effort to intimidate consumers into paying debts allegedly owed.
21. Defendants attempt to collect debts that cannot be verified because they are not owed by the consumers or the consumers have already paid off.
22. Defendants attempt to collect debts that have been discharged in bankruptcy.
23. Defendants continue to attempt to collect debts after being informed by consumers that the debt has already been paid.
24. Defendants fail to provide verification of debts to consumers who request verification in writing.
25. Defendants threaten to take actions against consumers if the consumers do not pay the alleged debts, even when Defendants have no legal authority or intention to take such threatened action.
26. During collection phone calls, Defendants make false threats to consumers about what will happen if the consumers fail to pay the debts, including threatening lawsuits, jail time, and that consumers' bank accounts will be frozen or garnished.
27. Defendants send letters to consumers threatening that a lawsuit will be filed if the consumers do not pay the debt.
28. Some letters that Defendants send to consumers are captioned "Litigation Notice" and include the following statement, "Due to your continued disregard towards this account, you are hereby notified that a recommendation to file a lawsuit to collect this debt is being

processed.”

29. Defendants attempt 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 Defendants did not intend to take such action.

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

**COUNT I**  
**Unfair, Deceptive, and Unconscionable Collection Practices**

30. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
31. Defendants committed unfair or deceptive acts and practices 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.
32. Such acts or practices 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 available for public inspection pursuant to R.C. 1345.05(A)(3).

**COUNT II**  
**Engaging in Harassing or Abusive Behavior**

33. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
34. Defendants committed unfair or deceptive acts or practices 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.
35. Defendants committed unfair or deceptive acts or practices 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 Defendants that they were not the persons who owed the alleged debts.

36. Such acts or practices 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 available for public inspection pursuant to R.C. 1345.05(A)(3).

**COUNT III**  
**False, Misleading, or Deceptive Representations**

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 or practices 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.
39. Defendants committed unfair or deceptive acts or practices 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, such as arrest or garnishment, against consumers when Defendants had no legal authority or intention to take such action.
40. Defendants committed unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A) and R.C. 1345.02(B)(9), by misrepresenting to consumers that they had an affiliation that they did not have, including an affiliation with lawyers or a law firm.
41. Such acts or practices 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 available for public inspection pursuant to R.C. 1345.05(A)(3).

**COUNT IV**  
**Threats of Legal Action**

42. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
43. Defendants committed unfair or deceptive or and practices 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 Defendants did not intend to take such action.
44. Such acts or practices 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 available for public inspection pursuant to R.C. 1345.05(A)(3).

**COUNT V**  
**Failure to Honor Consumers' Written Requests to Verify Debts**

45. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
46. Defendants committed unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), by failing to honor consumers' written requests to verify the debts that Defendants attempt to collect from consumers.
47. Such acts or practices 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 available for public inspection pursuant to R.C. 1345.05(A)(3).

**COUNT VI**  
**Frequently changing business names in order to prevent consumers from protecting their interests**

48. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.

49. Defendants committed unfair or deceptive acts or practices and unconscionable acts or practices in violation of the CSPA, R.C. 1345.02(A) and 1345.03(A), by frequently changing business names, preventing consumers from protecting their interests by obtaining reliable information about Defendants' business practices.
50. Such acts or practices 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 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 Defendants, doing business under their own names or any other names, their agents, representatives, salespeople, employees, successors, or assigns, and all persons acting in concert or participating with them, 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., 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., in the manner set forth in this Complaint.
- C. ORDER Defendants, pursuant to R.C. 1345.07(B), to pay damages to all consumers injured by the conduct of the Defendants as set forth in this Complaint.
- D. ASSESS, FINE, AND IMPOSE upon Defendants 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 Defendants to pay all court costs.
- G. ISSUE A PERMANENT INJUNCTION prohibiting Defendants from engaging in business as suppliers in any consumer transactions with Ohio consumers.
- H. GRANT such other relief as the Court deems to be just, equitable, and appropriate.

Respectfully submitted,

DAVE YOST  
Attorney General

*/s/ Tracy Morrison Dickens*  
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