

Fulton County Superior Court
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SECOND ORIGINAL

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

DEMETRA LAVENDER, individually)
and on behalf of a class of similarly)
situated persons as defined herein,)

Plaintiff,)

v.)

OPTOTRAFFIC, LLC,)

Defendant.)

CASE NO: 25CV001184

JURY TRIAL DEMANDED

CLASS ACTION COMPLAINT

COMES NOW, Plaintiff Demetra Lavender, individually and on behalf of a class of similarly situated persons as defined herein and, by and through her attorneys, and upon due diligence and personal knowledge, alleges as follows:

INTRODUCTION

I. Plaintiff Demetra Lavender ("Plaintiff") hereby brings this action against Defendant Optotraffic, LLC (hereafter "Optotraffic") and alleges that Optotraffic, through its agreements and business relationships with several municipalities and counties throughout the state of Georgia, has illegally appropriate millions of dollars from Georgia citizens in violation of controlling Georgia law. As explained herein, Plaintiff asserts that Optotraffic's actions are unconscionable, fraudulent, and illegal, to such an extent that a significant portion of Georgia's citizenry has been directly damaged by Optotraffic's conduct. Accordingly, on behalf of the class as defined herein, Plaintiff seeks to recover those funds that have been unlawfully and improperly collected by Optotraffic from Georgia citizens.

2. As described more herein, Optotraffic has assessed and retained from putative class members fees, charges, and penalties that blatantly violate and exceed the maximum amounts allowed by Georgia's School Zone Electronic Enforcement Statute, O.C.G.A. § 40-14-18. O.C.G.A. § 40-14-18 sets forth the maximum amounts that can be assessed for monetary fines and associated fees for excessive speed in a designated school zone area. As described more herein, Optotraffic's collections from Georgia citizens directly violate the mandates of O.C.G.A. § 40-14-18.

3. Because the practices described herein are systematic, uniform, and common to all putative class members, Plaintiff brings her claims on behalf of a Georgia class as defined herein. In this action, Plaintiff seeks retroactive monetary relief for the improper amounts collected by Optotraffic, as well as prospective/injunctive relief prohibiting Optotraffic from continuing to violate O.C.G.A. § 40-14-18 in the future. Plaintiff seeks class relief for her retroactive monetary claims and for the injunctive relief sought herein.

PARTIES, JURISDICTION AND VENUE

4. Plaintiff Demetra Lavender is a natural person who at all times relevant to this action is and was a citizen of the State of Georgia whose domicile is in Macon, Georgia.

5. Defendant Optotraffic, LLC is a Maryland corporation whose principal place of business is 4600 Forbes Boulevard, Suite 203, Lanham, MD, 20706, and whose registered agent for service of process in the state of process is Registered Agents, Inc. 8735 Dunwoody Place, Suite R, Atlanta, Fulton County, Georgia, 30350. Optotraffic claims to be one of the market leaders in road safety camera installations in the United States, processing thousands of citations every year. Optotraffic operates automated traffic violation detection systems in numerous school zones and designated school areas throughout Georgia, including in Macon-Bibb County.

6. Venue and Jurisdiction are proper in this forum as to Optotraffic, LLC.

FACTS

A. Georgia's School Zone Electronic Enforcement Statute, O.C.G.A. § 40-14-18

7. In 2018, the Georgia legislature passed O.C.G.A. § 40-14-18, which enabled municipalities and counties to operate photo-enforced automated programs for excessive speed in designated school zones and school areas. The statute incorporated a framework for photo-enforced excessive speeding programs and automated programs, establishing rules for the issuance of citations, review of disputed violations, maximum civil penalties and fees and payment thereof, and other rules that must be observed by local governments utilizing such photo-enforced automated programs for excessive speed in designated school zones.

8. O.C.G.A. § 40-14-18(b)(1) establishes the maximum civil monetary penalties and authorized fees for drivers photographed driving at excessive speeds in a school zone area:

The owner of a motor vehicle shall be liable for a civil monetary penalty to the governing body of the law enforcement agency provided for in paragraph (2) of this subsection if such vehicle is found, as evidenced by photographically recorded images, to have been operated in disregard or disobedience of the speed limit within any school zone and such disregard or disobedience was not otherwise authorized by law. The amount of such civil monetary penalty shall be \$75 for a first violation and \$125 for a second or any subsequent violation, in addition to fees associated with the electronic processing of such civil monetary penalty which shall not exceed \$25.00 . . .

B. Optotraffic's Standard Form Agreements with Counties and Municipalities

9. Following the Georgia's legislature's enactment of O.C.G.A. § 40-14-18, many Georgia municipalities and counties elected to implement a photo-enforced, automated speeding detection program, and several selected Defendant Optotraffic to be their vendor. One such local government utilizing Optotraffic's photo-enforced speeding violation services and equipment is Macon-Bibb County, Georgia.

10. As part of its business in providing automated speeding violation detection, imaging, and administrative services to counties and municipalities throughout Georgia, Optotraffic utilizes and enters into a standard form agreement with the local governmental entity. The standard form Service Agreement between Optotraffic and Macon-Bibb County, Georgia is attached hereto as Exhibit A.

11. The Service Agreement provides for Optotraffic as the exclusive vendor for Macon-Bibb County's photo-enforced school zone excessive speed program, responsible for all aspects of operating the program and related services, including installing and maintaining equipment, monitoring cameras and roads, issuing and mailing citations, accepting and processing payments, and additional services. Operating these services, equipment, and program is almost entirely "hands-off" for the local government, with the overwhelming majority of the work, obligations, services and duties shifted to Optotraffic.

12. At all times material hereto, the Services Agreement between Macon-Bibb County, Georgia, and Optotraffic was in full force and effect.

13. Optotraffic's Services Agreements with its municipal and county clients throughout Georgia provide, among other things, as follows:

2. Fee due to OPTOTRAFFIC: For the provisioning, deployment, maintenance & service of each Monitoring System, along with our full suite of back office processing services such as printing, mailing, web and lockbox payment processing, court docket preparation and adjudication, registration holds, call center etc. MACON-BIBB shall pay OPTOTRAFFIC:

\$25.00 Fixed Fee per Paid Citation

3. Fee due to OPTOTRAFFIC: For processing and administrative support, data transfer etc. involved with a 3rd party Collection Agency program for unpaid citations, MACON-BIBB shall pay OPTOTRAFFIC:

\$10.00 Fixed Fee per Citation Paid through a Collection Agency.

C. Optotraffic's Improper Practices and Violations of O.C.G.A. § 40-14-18

14. As shown above, O.C.G.A. § 40-14-18 caps the maximum fees and penalties that can be assessed and collected from violators traveling at excessive speeds in a school zone. Here, Optotraffic, through the guise of a governmental entity, is charging and collecting improper fees and penalties in excess of those allowed by Georgia law.

15. In blatant violation of O.C.G.A. § 40-14-18, Optotraffic collects “electronic processing fees” that are not only fictitious, but also are in excess of the maximum cap for such fees allowed under O.C.G.A. § 40-14-18.

16. Optotraffic has a systematic and routine business practice of charging the maximum \$25 allowed by statute for “electronic payment processing,” despite the fact that: (1) this amount in no way reflects Optotraffic’s actual cost for “electronic payment processing,” (2) Optotraffic has conducted no due diligence to quantify or identify its actual cost for “electronic payment processing” and (3) the cost associated with Optotraffic’s “electronic payment processing” are already covered through other revenue streams received by Optotraffic, including its receipt of *additional fees* (discussed below) assessed against violators and through the per-citation fee payment that Optotraffic receives under its Services Agreement with counties and municipalities.

17. Additionally, without any statutory authority and without any prior notice to the violator, Optotraffic charges and collects \$4.95 for citation penalties paid by violators online, *in addition to* the fictitious \$25 “electronic processing fee” already assessed. O.C.G.A. § 40-14-18 does not authorize or allow for this additional charge. The speeding citation sent to Plaintiff, like other class members, says nothing about this additional \$4.95 fee if payment is made online, nor is it allowed by the statute.

18. None of these facts were disclosed to Plaintiff or class members. At no time did Optotraffic disclose that the \$25 “electronic processing fee” was fictitious, unnecessary, and

already included in the per citation fees paid to Optotraffic, nor did it disclose any facts surrounding the additional \$4.95 fee for making citation payments online. Optotraffic deceptively and fraudulently sought and obtained \$104.95 as a penalty for Plaintiff's alleged violation, thereby fraudulently and deceptively collecting and retaining money from Plaintiff in violation of Georgia law.

19. Optotraffic's uniform citations to violators also deceptively and fraudulently state that "a civil penalty in the amount of \$100.00 must be paid" unless the violator elects to go to court. This statement is false and deceptive, as the maximum civil penalty allowed by Georgia is \$75.00. The additional \$25.00 for the purported "electronic processing fee" is fictitious and unsubstantiated, as is the \$4.95 fee for paying a citation online, which is not authorized by O.C.G.A. § 40-14-18.

20. These common business practices by Optotraffic are improper, illegal, fraudulent, deceptive, and violate O.C.G.A. § 40-14-18.

D. Plaintiff Demetra Lavender's Citation and Payment of The Improper Fees

21. On or about February 23, 2024, images of Plaintiff's automobile were captured by one of Optotraffic's school zone cameras. Shortly thereafter, Plaintiff received in the United States mail a "CITATION-SPEED MONITORING VIOLATION" (the citation") allegedly issued by the Bibb County Sheriff's Office. A true and correct copy of this citation is incorporated herein and attached hereto as Exhibit B.

22. The citation alleged that Plaintiff was driving at excessive speed in a school zone area, and demanded payment of a "civil penalty in the amount of \$100." The citation warned that "FAILURE TO PAY THE PENALTY AMOUNT SHOWN MAY RESULT IN THE REFUSAL OR SUSPENSION OF THE MOTOR VEHICLE REGISTRATION." The citation directed for

online payment of the penalty to one of Optotraffic's websites, www.onlinecitationpayment.com yet said absolutely nothing about an additional fee for online payment.

23. The citation purported to come from the Bibb County Sheriff's Office and said nothing about Optotraffic whatsoever. Upon information and belief, the P.O. Box listed on the citation for penalty payments made by mail was not, in fact, a P.O. Box for the Bibb County Sheriff's Office, but rather was an undisclosed P.O. Box for Optotraffic.

24. On March 8, 2024, Plaintiff, using her personal credit card, paid the "civil penalty in the amount of \$100.00," as well as an additional and undisclosed \$4.95 fee which appeared on Plaintiff's credit card activity log, bringing the total penalty to \$104.90. (See Exhibit C attached hereto.) Upon information and belief, the payment made by Plaintiff was processed and retained by Optotraffic at its home office in Maryland, even though the citation leads the recipient to believe that the payment is being made to the Bibb County Sheriff's Office.

25. When she made the payment, all material facts were not known or disclosed to Plaintiff. As described herein, Optotraffic used deceptive means and practices to obtain unauthorized revenue from Plaintiff and class members, and payment was compelled under the threat of suspension of Plaintiff's car registration.

26. The citations disseminated and used by Optotraffic throughout Georgia are standard and uniform. The citations prepared and disseminated by Optotraffic include the penalty amount and payment instructions. Optotraffic does not disclose its involvement, its name, or the fact that Optotraffic is receiving the payments and keeping a substantial portion thereof as unauthorized revenue in violation of Georgia law.

CLASS ACTION ALLEGATIONS

27. Plaintiff brings this action as a class action pursuant to O.C.G.A. § 9-11-23 (b) and (3) on behalf of the following Class:

All persons who were issued a citation by Optotraffic in the state of Georgia and who paid \$100.00 or more in civil penalties and fees for this citation.

28. Excluded from the Class are Defendant, its employees, officers, directors, legal representatives, heirs, successors and wholly or partly owned subsidiaries or affiliates of Defendant, Class Counsel and their employees, and the judicial officers and their immediate family members and associates court staff assigned to this case.

29. Numerosity— O.C.G.A. § 9-11-23(a)(1). The Class is comprised of thousands of individuals, the joinder of which in one action would be impracticable. The exact number or identification of the Class Members is presently unknown. The identity of the Class Members is ascertainable and can be determined based on Defendant's records.

30. Predominance of Common Questions— O.C.G.A. § 9-11-23(a)(2). The questions of law and fact common to the Class predominate over questions affecting only individual Class Members, and include, but are not limited to, the following:

- a. whether Defendant assessed penalties and associated fees that violate O.C.G.A. § 40-14-18;
- b. whether Defendant has been unjustly enriched by virtue of the practices described herein;
- c. whether Defendant misrepresented and/or failed to disclose material facts to Plaintiff and class members as described herein;

- d. whether Defendant's conduct as described herein is deceptive and warrants an injunction pursuant to Georgia's Deceptive Trade Practices Act;
- e. whether Plaintiff and class members are entitled to class relief;
- f. whether Defendant violated Georgia law as described herein;
- g. whether Plaintiff and the members of the Class are entitled to declaratory and injunctive relief.

31. Defendant engaged in a common course of conduct giving rise to the legal rights sought to be enforced by Plaintiff individually and on behalf of the other members of the Class. Identical statutory violations and business practices and harms are involved. Individual questions, if any, are not prevalent in comparison to the numerous common questions that dominate this action.

32. Typicality — O.C.G.A. § 9-11-23(a)(3). Plaintiff's claims are typical of those of the members of the Class in that they are based on the same underlying facts, events, and circumstances relating to Defendant's conduct.

33. Adequacy — O.C.G.A. § 9-11-23(g)(1). Plaintiff will fairly and adequately represent and protect the interests of the Class, has no interest incompatible with the interests of the Class, and has retained counsel competent and experienced in class action, consumer protection, and false advertising litigation.

34. Predominance — O.C.G.A. § 9-11-23(b)(3). Questions of law and fact common to the Class predominate over any questions affecting only individual members of the Class.

35. Superiority— O.C.G.A. § 9-11-23(b)(3). A class action is the best available method for the efficient adjudication of this litigation because individual litigation of Class Members' claims would be impracticable and individual litigation would be unduly burdensome to the courts.

Plaintiff and members of the Class have suffered irreparable harm as a result of Defendant's bad faith, fraudulent, deceitful, unconscionable, unlawful, and unfair conduct. Because of the size of the individual Class Members' claims, no Class Member could afford to seek legal redress for the wrongs identified in this Complaint. Without the class action vehicle, the Class would have no reasonable remedy and would continue to suffer losses, as Defendant continues to engage in the bad faith, fraudulent, deceitful, unconscionable, unlawful, and unfair conduct that is the subject of this Complaint, and Defendant would be permitted to retain the proceeds of its violations of law. Further, individual litigation has the potential to result in inconsistent or contradictory judgments. A class action in this case presents fewer management problems and provides the benefits of single adjudication, economies of scale, and comprehensive supervision by a single court.

COUNT 1
VIOLATION OF GEORGIA RICO

36. Plaintiff adopts and incorporates all previous allegations in full.

37. Defendant's conduct as set out herein constitutes violations of O.C.G.A. § 16-14-1 *et seq.* (hereinafter the "Georgia RICO statute").

38. Plaintiff and each putative class member are a "person" with the meaning of the Georgia Rico statute.

39. Defendant is a "person" within the meaning of the Georgia RICO Statute.

40. Optotraffic is either separately and/or collectively together with its governmental entity clients, an "enterprise" within the meaning of the Georgia RICO statute.

41. In furtherance of its enterprise and widespread practices described herein, Optotraffic either separately, and/or collectively together with its clients, and/or in concert with its officers, directors, agent, and employees, engaged in prohibited and unlawful activity - - or endeavored or conspired to engage in prohibited and unlawful activity - - on two or more

occasions. In fact, Optotraffic's illegal and interrelated practice was carried out over multiple transactions involving thousands of Georgia citizens. Optotraffic, directly or through its agents or affiliates, repeatedly committed, attempted to commit, and solicited, coerced, and intimidated others to commit the following unlawful acts:

- a. Unlawfully obtaining Plaintiff and putative class members' money by deceitful means and artful practices with the intent to deprive them of their money/property in violation of O.C.G.A. § 16-8-3 (theft by deception).
- b. Knowingly and willfully committing mail fraud and wire fraud when perpetrating the deceptive practices described herein.

42. Optotraffic and its agents and affiliates used standard, uniform documents in furtherance of their unlawful activity. Each act Optotraffic engaged in constitutes a separate incident of "racketeering activity" within the meaning of the Georgia RICO statute. The multiple acts of racketeering activity were interrelated, were part of a common and continuous pattern of unlawful and wrongful acts, were perpetrated for the same or similar purposes, and were not a series of disconnected, isolated or sporadic acts. They were part of the regular and routine way in which Optotraffic conducts its business in Georgia and the conduct of its business is intentionally designed to be an interrelated scheme. The multiple acts constitute a pattern of racketeering activity.

43. Optotraffic engaged in the racketeering activity with the intent, motive, and/or effect of deriving pecuniary gain.

44. Optotraffic, through this pattern of racketeering activity, directly and/or indirectly acquired the property and money of Plaintiff and the putative class members.

45. Optotraffic's wrongful acts proximately and directly caused damage to Plaintiff and putative class members. Plaintiff and putative class members' injuries flow directly from the predicate offenses set out herein.

COUNT II
UNJUST ENRICHMENT

46. Plaintiff adopts and incorporates all previous allegations in full.

47. Substantial benefits have been conferred on Defendant by Plaintiff and putative class members through the assessment and payment of fees and amounts described herein that are improper, deceptive, and illegal under controlling Georgia law. Defendant knowingly and willingly accepted and enjoyed these improper payments.

48. Defendant either knew or should have known that the payments rendered by Plaintiff and putative class members were given and received by deceptive means and in violation of controlling Georgia law. Accordingly, it would be inequitable for Defendant to retain the benefit of such payments under these circumstances.

49. Defendant's acceptance and retention of these benefits under the circumstances alleged herein make it inequitable for Defendant to retain these payments and benefits without restitution of the value thereof to Plaintiff and putative class members.

COUNT III
DECLARATORY AND INJUNCTIVE RELIEF

50. Plaintiff adopts and incorporates all previous allegations in full.

51. Plaintiff, on behalf of herself and the putative class, seeks declaratory and injunctive relief finding that Defendant's practices as described herein are improper and in violation of Georgia law, and that such continued practices be declared unlawful and stopped on a going-forward basis.

COUNT IV
FRAUDULENT MISREPRESENTATION AND CONCEALMENT

52. Plaintiff adopts and incorporates all previous allegations in full.

53. During the class period, Defendant knowingly, fraudulently, and actively misrepresented, omitted and concealed from Georgia citizens material facts relating to the penalties and associated fees assessed and collected by virtue of the citations disseminated by Defendant throughout the state of Georgia.

54. Defendant has a duty to disclose to Plaintiff and putative class members material facts surrounding the alleged penalties and associated fees that it assesses and collects from Georgia citizens by virtue of the standard form citations described herein.

55. The misrepresentations, omissions and concealment complained of herein were material and were made on a uniform basis.

56. Plaintiff and putative class members putative reasonably relied upon Defendant's representations, omissions and concealment. Such reliance may also be imputed, based upon the materiality of Defendant's wrongful conduct.

57. Based upon such reliance, Plaintiff and putative class members paid the penalties and associated fees described herein, and, as a result, suffered and will continue to suffer damages and economic loss.

58. Had Plaintiff and putative class members been aware of the true nature of Defendant's business practices, they would not have paid the amounts challenged in this matter.

59. Defendant's actions, omissions, and willful misconduct, as alleged herein, constitute oppression, fraud, and/or malice entitling Plaintiff and class members to an award of punitive damages to the extent allowed in an amount appropriate.

COUNT V
VIOLATION OF THE GEORGIA DECEPTIVE TRADE PRACTICES ACT

60. Plaintiff adopts and incorporates all previous allegations in full.

61. Plaintiff brings this claim individually and on behalf of the putative class for prospective and injunctive relief pursuant to Georgia's Uniform Deceptive Trade Practices Act, O.C.G.A. § 10-1-370, *et. seq.*

62. Optotraffic is a "person" as defined under O.C.G.A. § 10-1-371(b).

63. By virtue of the deceptive and unlawful business practices described herein, Optotraffic engaged in conduct creating the likelihood of confusion or misunderstanding and otherwise engaged in a deceptive trade practice as defined in O.C.G.A. § 10-1-372.

64. By virtue of Defendant's violations of Georgia's Deceptive Trade Practices Act, Plaintiff seeks an injunction pursuant to O.C.G.A. § 10-1-373 against Optotraffic on terms that the Court considers reasonable and equitable. Plaintiff also seeks attorneys' fees pursuant to this claim.

65. Plaintiff, on behalf of herself and putative class members, seeks to recover damages allowable as a result of such violations, including treble damages, interest and attorney fees, and such other relief as the Court and jury deem proper.

WHEREFORE, Plaintiff prays for the following relief:

- a. That Plaintiff, individually, recover compensatory damages for injuries and damages she has incurred;
- b. That this Court certify this action as a class action, and that the Court find and conclude that the Plaintiff herein is an appropriate representative for the Class;
- c. That the judgment be entered against Defendant in such amount as will fully and adequately compensate Plaintiff and the other class members;
- d. That Plaintiff have and recover all attorney's fees and court costs;

e. That this Court grants such other and further relief as it deems just and proper.

Plaintiff, on behalf of herself and the putative class members, seek to recover all damages allowable as a result of such violations, including treble damages, interest and attorney fees, and such other relief as the Court and jury deem proper.

JURY DEMAND

PLAINTIFF DEMANDS TRIAL BY STRUCK JURY ON ALL ISSUES IN THIS CASE.

Dated this 20th day of January, 2025.

/s/ William Greg Dobson

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ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Optotraffic Charges Excessive Penalties for School Zone Traffic Violations in Georgia, Class Action Lawsuit Claims](#)
