

U.S. DISTRICT COURT
JUDICIAL DISTRICT
AUG 12 2 56 PM '91

Michael T. Jilka
Supreme Court #13677
Assistant Attorney General
Kansas Judicial Center - Lower Level
Topeka, Kansas 66612-1597
(913) 296-3751

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
DIVISION 6

STATE OF KANSAS, ex rel.,
ROBERT T. STEPHAN, Attorney General,

Plaintiff,

Case No. 91 CV 1088

vs.

JERRY STEINER d/b/a
STEINER PRODUCTIONS

Defendant.

JOURNAL ENTRY OF CONSENT JUDGMENT

NOW on this ___ day of ^{August}~~July~~, 1991, the Petition for approval of Consent Judgment filed by the State of Kansas comes on for hearing. The State of Kansas appears on the relation of Robert T. Stephan, Attorney General, by and through Michael T. Jilka, Assistant Attorney General. The Defendant appears by Diane R. Stafford, of Copilevitz, Bryant, Gray & Jennings, P.C., 1500 One Kansas City Place, 1200 Main Street, Kansas City, Missouri 64105-2100.

Whereupon, the parties advise the Court they have stipulated and agreed to the following matters:

1. Robert T. Stephan is the Attorney General of the State of Kansas.

2. The Attorney General's authority to bring this action is derived from the statutory and common law of the State of Kansas, specifically the Kansas Charitable Organizations and Solicitations Act, K.S.A. 17-1759 et seq.

3. JERRY STEINER is an individual doing business as a professional fund raiser as defined by K.S.A. 17-1760(d).

4. JERRY STEINER's principal place of business is 333 E. St. Louis, Suite 510, Springfield, MO 65806.

5. JERRY STEINER enters his voluntary general appearance before the Court for approval of this Consent Judgment.

6. JERRY STEINER admits the Court has jurisdiction over the parties and the subject matter.

7. Venue is proper in Shawnee County.

8. JERRY STEINER has raised funds under contract to Highland Park Optimist of Topeka.

9. JERRY STEINER arranged for performers and a location for a show called "Cavalcade of Stars," which is held exclusively as a fund raiser for the Highland Park Optimist of Topeka.

10. The show was held April 29, 1991.

11. JERRY STEINER's telephone solicitors called Kansas residents asking them to purchase tickets to the show.

12. The tickets are to be distributed by JERRY STEINER to area children.

13. JERRY STEINER's solicitation script has the following statements:

a. "What we do is get children together from homes, institutions and organizations, give them tickets and make it possible for them to go."

b. "Sponsoring 20 of these children . . . it would allow them to go in your name."

c. "Many of these children may only get this one chance to get out and see this year's cavalcade of stars."

14. These statements imply that children who will be given tickets are underprivileged in some way.

15. JERRY STEINER's list of organizations selected to receive tickets is not limited to "homes, institutions and organizations" which are involved with underprivileged children.

16. This act or practice is a violation of K.S.A. 1990 Supp. 17-1769(b)(1) which prohibits the intentional use in any solicitation of innuendo as to a material fact.

17. JERRY STEINER's solicitors do not give the name, address and phone number of the charitable organization or the professional solicitor's registration number.

18. This act or practice allegedly violates K.S.A. 17-1766 which requires those disclosures at the point of solicitation.

19. JERRY STEINER voluntarily agrees to this Consent Judgment without trial or adjudication of any issue of fact or law. JERRY STEINER makes no admission of wrongdoing by agreeing to this Consent Judgment.

20. The provisions of the Consent Judgment will be applicable to the JERRY STEINER, and every employee, agent or representative of JERRY STEINER.

21. JERRY STEINER agrees to make available and/or disclose the provisions of this Consent to Judgment and the Consent Judgment to his employees, agents and representatives.

22. JERRY STEINER agrees to refrain from and to be enjoined from engaging in all acts and practices alleged above by the State of Kansas to be deceptive.

23. JERRY STEINER shall not enter into, form, organize or reorganize into any partnership, corporation, sole proprietorship or any other legal structures, for the purpose of avoiding compliance with the terms of this agreement and Consent Judgment.

24. JERRY STEINER agrees to pay the following:

- a. \$1,000.00 in investigation fees and expenses to the Attorney General of the State of Kansas;
- b. \$1,000 in civil penalties to the State of Kansas;
- c. \$1,500.00 in charitable contributions to The Villages, Inc.

(1) Payment shall be sent to the Office of the Attorney General for forwarding to The Villages, Inc.

- d. All the above payments will be by certified cashier's check.

25. JERRY STEINER agrees to the following guidelines in all future solicitations:

- a. Before beginning the solicitation of Kansas residents, JERRY STEINER will select the organizations which will receive the tickets and will confirm with the organizations the number of tickets which they would like to receive.
- b. JERRY STEINER will not sell more tickets to the show than the organizations in Paragraph "a" above have agreed to accept.

26. JERRY STEINER agrees to allow the Attorney General to inspect relevant business records of charitable solicitations to Kansas residents in the future. The Attorney General will give reasonable notice for these inspections.

27. JERRY STEINER agrees to pay any court costs incurred by the State of Kansas in filing a Consent Judgment in District Court.

JUDGE OF THE DISTRICT COURT

Approved by:

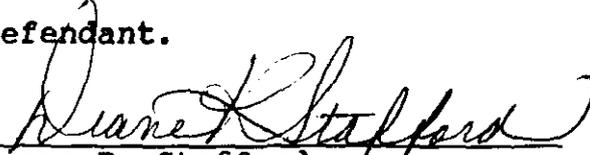
ROBERT T. STEPHAN
ATTORNEY GENERAL

Michael T. Jilka
Assistant Attorney General

Attorneys for Plaintiff.


Jerry Steiner
d/b/a Steiner Productions

Defendant.


Diane R. Stafford
Copilevitz, Bryant, Gray & Jennings, P.C.

Attorney for Defendant.