

2018

**IN YOUR
CORNER
KANSAS**

Consumer Protection & Antitrust Division Annual Report

January 1 – December 31, 2018

www.InYourCornerKansas.org



**KANSAS
ATTORNEY GENERAL**

DEREK SCHMIDT

Message from Kansas Attorney General Derek Schmidt



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION AND ANTITRUST DIVISION

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July 2019

Dear Fellow Kansans:

It is my pleasure to present the 2018 annual report for our Consumer Protection Division as required by K.S.A. 50-628. This document also includes annual reports for the Kansas No-Call Act, the Kansas False Claims Act, the Kansas Roofing Registration Act, and antitrust enforcement.

The Consumer Protection Division combats fraud and other illegal business practices. As required by law, we work closely with local prosecutors and private litigants, but the bulk of consumer protection work in our state – more than 3,200 cases in the past year – is handled by our office. Consumer protection is one of our critical priorities.

Kansas consumers can expect from us fair, consistent and even-handed enforcement of the consumer protection laws. From identity theft to door-to-door sales, from the No-Call Act to the data breach statutes, our goal is to enforce the law in a way that provides justice and ensures that the rules are followed. In addition to helping consumers, this approach to enforcement is good for the Kansas economy by ensuring regulatory certainty for businesses.

During 2018, our office recovered more than \$16 million for Kansas consumers and taxpayers. Of course, the best outcome is preventing fraud in the first place, so we have continued our efforts to educate consumers on scam prevention through presentations, literature, and our interactive consumer protection website at www.InYourCornerKansas.org.

Thank you for the privilege of serving.

Best wishes,

Derek Schmidt
Kansas Attorney General

2018... By the Numbers

Consumer Savings...

\$2,428,102.14 – without litigation

\$8,315,026.05 – through litigation

\$10,743,128.19 – Total Consumer Savings

Penalties, Fees and Other Recoveries...

\$5,092,487.33 – Civil penalties and fees awarded

\$11,000.00 – No-call penalties awarded

\$538,225.00 – Roofing registration violation penalties awarded

\$5,641,712.33 – Total Penalties, Fees and Other Recoveries

Total Savings and Recoveries...

\$16,384,840.52

Investigative Requests...

3,235 Investigative Requests Received

Top Categories

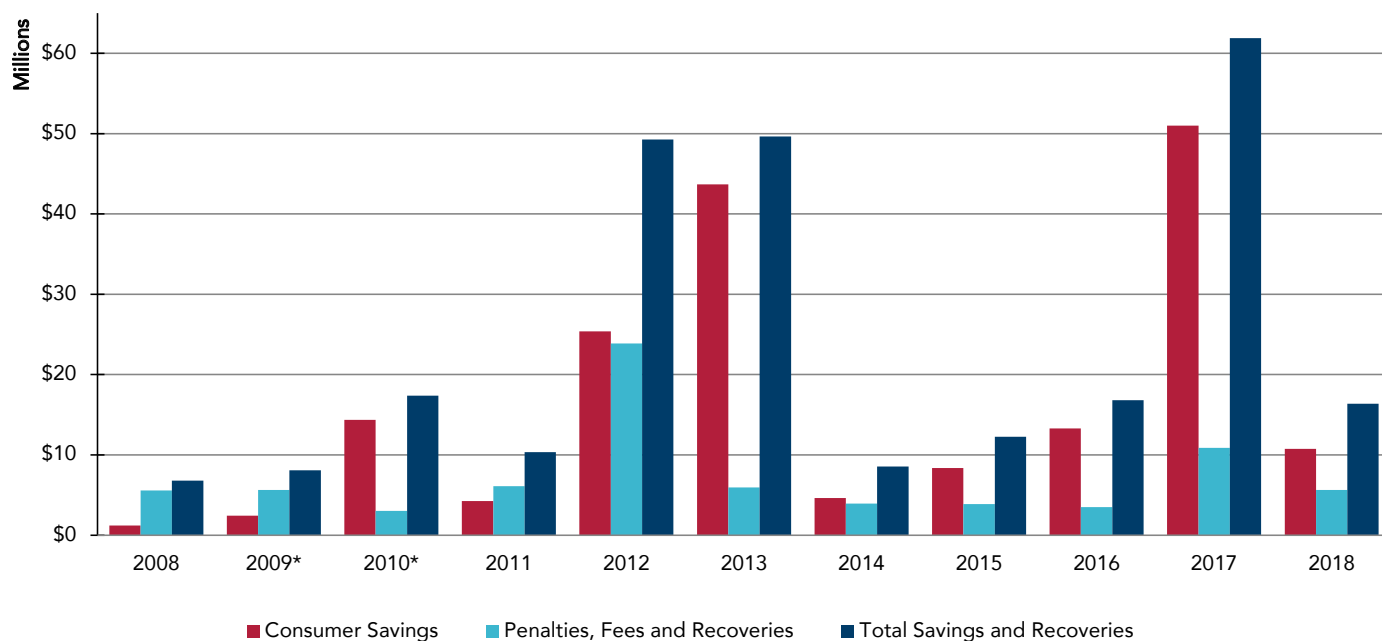
1. No-Call
2. Roofing Registration Violations
3. General Services
4. Used Car Sales Practices
5. Telephone Scam Calls
6. Identity Theft
7. Internet Sales
8. Cell Phone and Pager Services
9. Home Improvement
10. Auto Repair and Service Problems

4,016 Investigative Requests Closed

Top Categories

1. No-Call
2. Roofing Registration Violations
3. General Services
4. Used Car Sales Practices
5. Identity Theft
6. Telephone Scam Calls
7. Internet Sales
8. Cell Phone and Pager Services
9. Auto Repair and Service Problems
10. Collection by Agencies

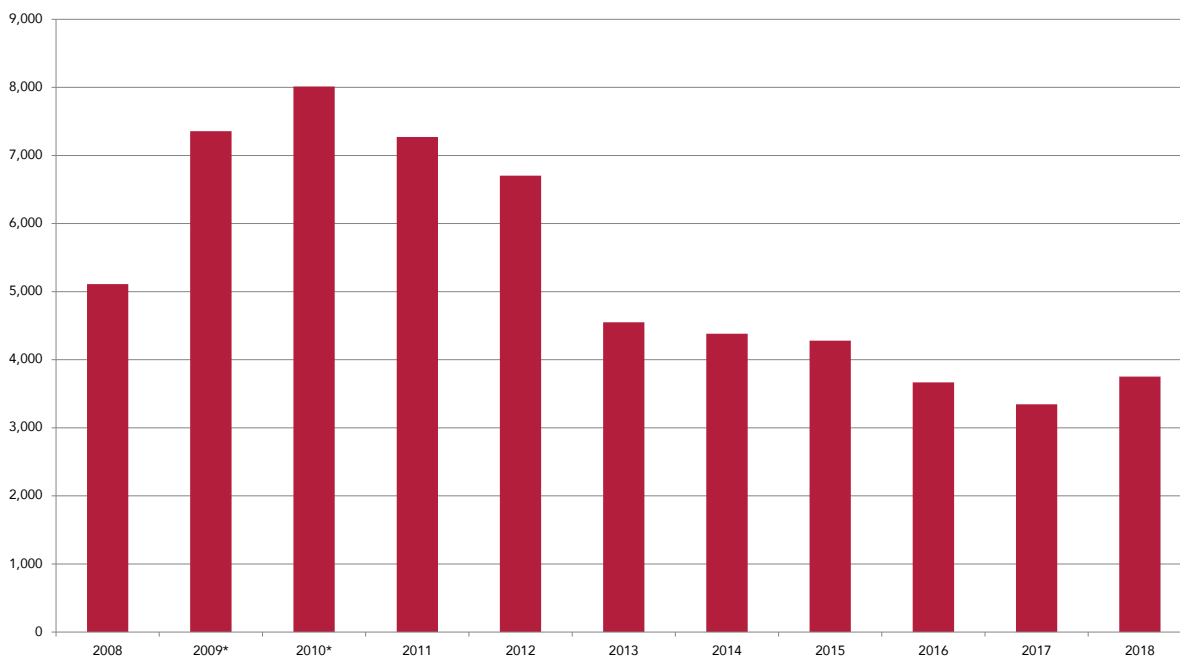
Recovery Trends...



Consumer Savings includes savings without litigation and restitution ordered.

*2009 and 2010 data were reported based on Fiscal Years.

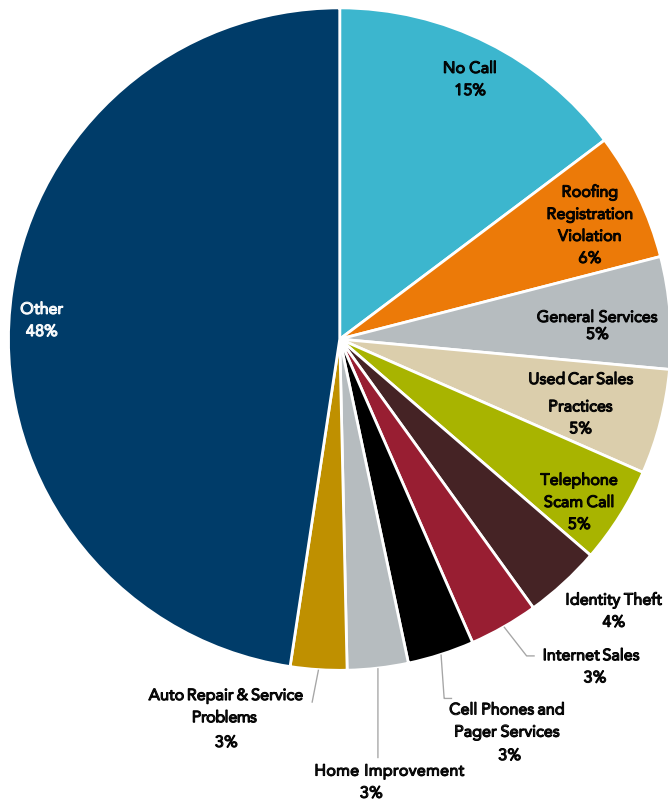
Investigative Request Trends...



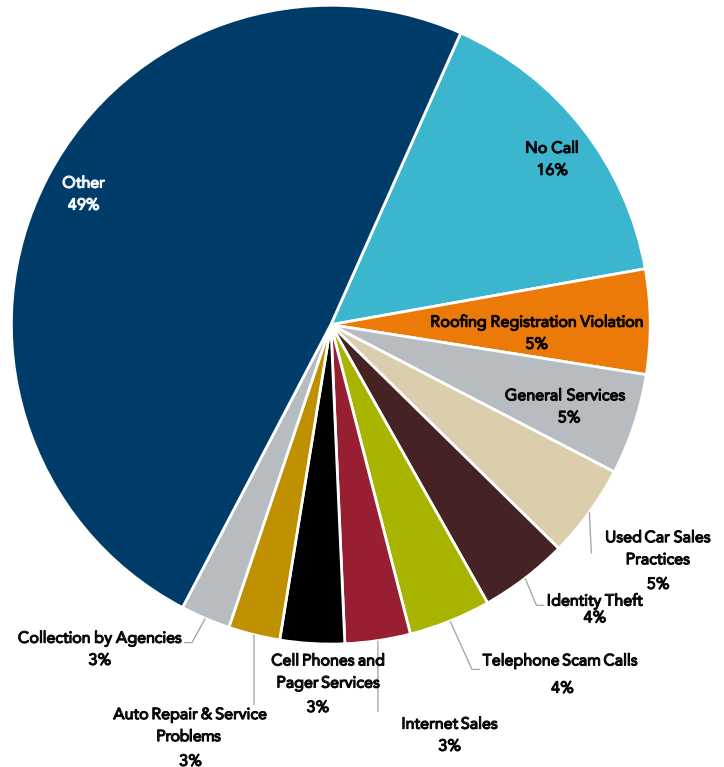
*2009 and 2010 data were reported based on Fiscal Years.

A new online investigation request system introduced in 2012 reduced the number of investigation requests by more accurately directing requests to other agencies in areas where the Attorney General's Office does not have jurisdiction.

Investigative Requests Received by Category (Total: 3,235)

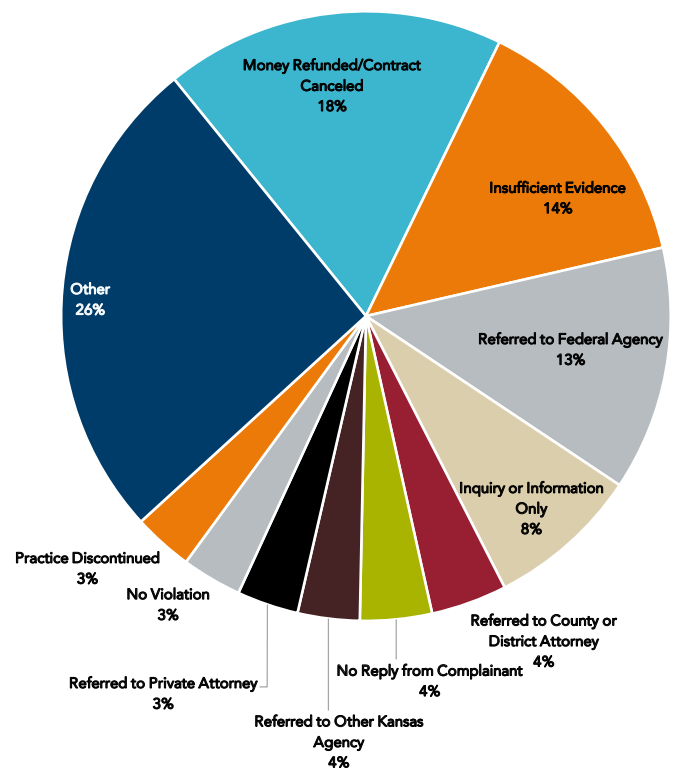


Investigative Requests Closed by Category (Total: 4,016)



Disposition of Complaints...

1. Money Refunded/Contract Canceled
2. Insufficient Evidence
3. Referred to Federal Agency
4. Inquiry or Information Only
5. Referred to County or District Attorney
6. No Reply from Complainant
7. Referred to Other Kansas Agency
8. Referred to Private Attorney
9. No Violation
10. Practice Discontinued



Consumer Education and Outreach

In addition to investigating and prosecuting violations of the Kansas Consumer Protection Act, the Division is responsible for providing educational presentations and sharing free materials with Kansas consumers. In 2018, Attorney General Schmidt and his staff participated in 61 events around Kansas.

Additionally, the Consumer Protection Division staff fielded more than 15,000 phone calls and answered 12,482 emails.

The *In Your Corner Kansas* website continues to provide resources every hour of every day to consumers who need assistance. In 2018, the website was visited by 32,936 unique users, with a total of 156,719 page views. Monthly Consumer Corner articles distributed state-wide provide timely warnings and updates on scams and important protection information.

National Consumer Protection Week was again observed by providing consumers the opportunity to shred important personal documents for free in 10 locations throughout the state. More than 1,200 Kansans dropped off 59,990 pounds of documents for destruction. The office participated in Constitution Day in September by providing free pocket constitutions at the Kansas State Fair.

The attorney general's office, in conjunction with the American Bar Association, has acquired a traveling exhibit commemorating the 800th anniversary of the signing of the *Magna Carta*. In 2018, the office continued to partner with judges in Kansas judicial districts to host the exhibit in their communities. Over the course of the year, more than 1,390 teachers, students and members of the public in six judicial districts were able to visit the display. The office plans to continue sharing the exhibit around the state in the coming years.



Attorney General Schmidt speaks to a reception for the opening of the Magna Carta Exhibit at the Parsons Public Library.

Legislative Update

Scrap Metal Theft Reduction Act

In 2018, the Legislature passed **Senate Bill 261**, which, among other things, continued the delayed implementation of certain provisions of the Scrap Metal Theft Reduction Act (K.S.A. 50-6,109 et seq.) until January 1, 2020. Among those provisions suspended by SB 149 were:

- the requirement for the attorney general to establish and maintain a database as a central repository for information required to be provided under the Act;
- the statute allowing imposition of a civil penalty of \$100-\$5,000 on any scrap metal dealer who violates any of the provisions of the Act;
- a provision requiring scrap metal dealers to forward information to the database described above;
- the statutes allowing the attorney general to set and charge a registration fee of \$500-\$1,500 for each scrap metal dealer location and a renewal fee not to exceed \$1,500;
- provisions allowing the attorney general to conduct a criminal history background check on scrap metal dealer registration applicants to ensure compliance with the disqualifying criminal history requirements of the statute.

Because the attorney general no longer had authority to collect registration fees or charge a penalty for failure to register, the scrap metal dealer registration program has been suspended since June 1, 2017. The office continues to accept complaints from individuals who believe a scrap metal dealer has violated the remaining provisions of the statute.

Litigation Summary

Schmidt v. Aestheticare, LLC

Johnson County, 2018-CV-4857

Filed August 29, 2018

Consent Judgment obtained August 29, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act related to a consumer being unable to receive a material benefit of the transaction and the transaction being excessively one-sided in favor of the defendant. The court awarded \$2,500.00 in investigative fees and expenses.

Schmidt v. Alenco, Inc.

Douglas County, 2018-CV-83

Filed March 16, 2018

Consent Judgment obtained March 21, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act and the Kansas No Call Act involving the defendant failing to consult the National Do Not Call Registry prior to making unsolicited consumer telephone calls in Kansas and also making or causing to be made unsolicited consumer telephone calls to Kansas consumers whose telephone numbers are listed on the National Do Not Call Registry. The court awarded \$1,000.00 in no-call civil penalties.

Schmidt v. Alta Care Corporation, et al.

Allen County, 2017-CV-33

Filed May 8, 2017

Default Judgment obtained January 23, 2018 against defendant Florida Senior Housing Council, Inc.

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving the Wayne Owen Act, specifically failure to protect records with personal information which the defendants possessed or caused to be possessed. Further relief is pending further discovery between the parties.

Schmidt v. American Made Matters Corp., KCone Corporation, Jason Todack

Shawnee County, 2018-CV-36

Filed January 10, 2018

Consent Judgment obtained January 12, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving door-to-door sales violations. Specifically, Schmidt accused the defendant of making door-to-door sales of Kirby vacuum cleaners in a manner not in compliance with Kansas door-to-door sales laws. The defendant violated the Kansas Consumer Protection Act by failing to notify consumers of their three-day right to cancel the transaction and cashing consumers' checks prior to midnight of the fifth business day. The court awarded \$12,500 in civil penalties and \$2,500 in investigative fees. In addition, the defendant was permanently enjoined from operating as a door-to-door salesman in the State of Kansas.

Schmidt v. Ryan Andes; and East Side Factory Built Homes, LLC; d/b/a East Side Homes, LLC; d/b/a Factory Outlet Homes, Inc.; d/b/a Factory Outlet Homes, LLC

Butler County, 18-CV-133

Filed May 31, 2018

Default Judgment obtained July 25, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving violations of the Kansas Consumer Protection Act by accepting payment for but not delivering modular homes to consumers who

paid for them. The court awarded \$1,000 in investigative fees, \$206,733.58 in consumer restitution, and \$220,000 in civil penalties. In addition, the defendants were permanently enjoined from conducting business in Kansas.

Schmidt v. Robert Armstrong d/b/a Scholastic School Supply

Shawnee County, 2015-CV-11

Filed January 7, 2015

Consent Judgment obtained April 11, 2018

The attorney general filed suit for violations of the Kansas False Claims Act involving fraudulent invoices to the state's school districts. The court awarded \$634,000 in suspended civil penalties dependent on compliance with the Consent Judgment. In addition, the defendant was permanently enjoined from doing business in the State of Kansas, including but not limited to submitting any claims to the state or any political subdivision.

Schmidt v. Carl E. Bailey III d/b/a Asphalt Paving a/k/a Lone Star Paving a/k/a Bailey Paving and Charles Wayne Smith, an individual

Shawnee County, 2018-CV-331

Filed April 26, 2018

Consent Judgment obtained November 1, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving home improvement and asphalt paving services. The defendants violated the Kansas Consumer Protection Act by failing to notify consumers of their three-day right to cancel the transaction, cashing the consumers' checks prior to midnight of the fifth business day, and willfully misrepresenting material facts about the work. The court awarded \$33,652 in consumer restitution, \$10,000 in investigative fees, and \$250,000 in civil penalties with \$240,000 of that amount suspended dependent on compliance with the Consent Judgment. In addition, the defendants were permanently enjoined from operating in the State of Kansas.

Schmidt v. Robert W. Blecha Jr. an individual

Ellis County, 2018-CV-23; Rush County, 2018-CV-6

Filed October 18, 2017

Consent Judgment obtained September 26, 2018 (Rush County)

Consent Judgment obtained September 27, 2018 (Ellis County)

The attorney general filed suit for violations of the Kansas Consumer Protection Act in both Ellis and Rush counties involving a construction contractor who received compensation for work and then failed to complete the work. The Court of Rush County awarded \$4,770.95 in consumer restitution, \$1,000 in investigative fees, and \$6,000 in civil penalties with \$5,000 of that amount suspended dependent on compliance with the Consent Judgment. The Court of Ellis County awarded \$10,000 in consumer restitution, \$1,000 in investigative fees, and \$1,000 in civil penalties.

Schmidt v. Justin M. Bogina, an individual, and Auto Acceptance Center Corp., a corporation

Shawnee County, 2017-CV-745

Filed November 3, 2017

Default Judgment obtained January 26, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving auto sales, deceptive advertising, and failure to deliver car titles. The court awarded \$25,775.89 in consumer restitution, \$9,191.65 in investigative fees, and \$9,620,000 in civil penalties. In addition, Bogina was permanently enjoined from conducting any business related to the sale of property or services within the State of Kansas. A motion to set aside the Default Judgment remains pending, therefore monetary judgments in this case are not included in the yearly totals on page 4.

Schmidt v. Brelvis Consulting, LLC d/b/a The Student Loan Help Center, LLC

Shawnee County, 2017-CV-833

Filed December 21, 2017

Default Judgment obtained February 6, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving student loan relief scams. Specifically, the lawsuit accused Brelvis of soliciting and providing for-cost “loan consolidation preparation services” to consumers in exchange for a fee which are otherwise free of charge. The defendants, while doing business as The Student Loan Help Center, made misrepresentations through their website in efforts to solicit business from consumers. The U.S. Department of Education offers these services for free to consumers. The court awarded \$39,012.91 in consumer restitution, and \$50,000 in civil penalties. In addition, the company was permanently enjoined from conducting consumer transactions in connection with loan relief in the State of Kansas.

Schmidt v. Cherry Cooper, Harry Cooper, Harry Cooper Jr., Robert Cooper d/b/a AL Paving Contractors d/b/a Paving Contractors, Asphalt Paving and JJ Paving

Shawnee County, 2018-CV-78

Filed January 24, 2018

Consent Judgment obtained June 11, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving Defendants door-to-door sales practices regarding home improvement services, including, but not limited to, the installation, sealing and repair of asphalt driveways to Kansas consumers. The suit alleged the defendants failed to give the consumers notice of their three-day right to cancel, failed to provide a written receipt, and negotiated payment prior to midnight of the fifth business day following the transaction. The court awarded \$41,430 in consumer restitution, \$20,000 in investigative fees, and \$700,000 in suspended civil penalties dependent on compliance with the Consent Judgment. In addition, the defendants were permanently enjoined from conducting consumer transactions or door-to-door sales in the State of Kansas.

Schmidt v. Raymond F. Dechant, an individual; Dechant, Unruh, Thomas, Inc.; a Kansas Corporation a/k/a Dechant, Unruh & Thomas, Inc.

Ford County, 2018-CV-53

Filed April 3, 2018

Consent Judgment obtained July 31, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving a CPA who was performing services as a CPA when his certification had been suspended or revoked. The court awarded \$5,000 in investigative fees, and \$15,000 in civil penalties.

Schmidt v. Ditch & Associates, Inc.

Shawnee County, 2017-CV-697

Filed October 19, 2017

Consent Judgment obtained October 23, 2017

The attorney general filed suit against the defendant for violations of the Kansas Consumer Protection Act involving the defendant charging a convenience fee of 3% to consumers who elected to use their credit cards in lieu of other forms of payment. Although the consent judgement was awarded in 2017, final consumer restitution in the amount of \$5,819.83 was not confirmed until 2018.

Schmidt v. Five Star Tree & Lawn, LLC

Shawnee County, 2018-CV-363

Filed May 7, 2018

Consent Judgment obtained May 9, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving the defendant's door-to-door sales practices. The suit alleged the defendants failed to give the consumers notice of their three-day right to cancel, failed to provide a written receipt, and negotiated payment prior to midnight of the fifth business day following the transaction. The court awarded \$1,000 in consumer restitution and \$3,000 in investigative fees.

Schmidt v. Nicholas Ford d/b/a Central RV, Inc.

Franklin County, 2018-CV-102

Filed December 12, 2018

The attorney general filed suit for alleged violations of the Kansas Consumer Protection Act involving the sale of used travel trailers which excluded, modified or otherwise attempted to limit the implied warranties of merchantability and fitness for a particular purpose in the "Bill of Sale – Buyer's Order" in at least 213 used travel trailers. The case remains pending.

Schmidt v. Funk Fest Concerts, Inc.

Shawnee County, 2018-CV-865

Filed November 16, 2018

The attorney general filed suit for alleged violations of the Kansas Consumer Protection Act related to 5,982 tickets for an outdoor concert that was advertised on the defendant's website as "held rain or shine." Due to thunderstorms, the event was cancelled about halfway through but no refunds were issued. The case remains pending.

Schmidt v. Christina Guivas d/b/a Captured Moments by Christina

Shawnee County, 2018-CV-709

Filed September 12, 2018

Consent Judgment obtained September 24, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act related to a Kansas consumer who purchased a wedding photography package from defendant and did not receive material elements of the package. Additionally, the transaction entered into was excessively one-sided in favor of the defendant. The court awarded \$1,300 in consumer restitution and \$1,500 for investigative fees.

Schmidt v. J.C. Penney Corporation, Inc.

Shawnee County, 2018-CV-184

Filed March 1, 2018

Consent Judgment obtained March 1, 2018

The attorney general filed suit against the defendant for violations of the Kansas Consumer Protection Act related to the failure to honor certain coupons online that were advertised for use both in store and online. The court awarded \$100,000 in investigative fees.

Schmidt v. Leon F. Jackson, an individual d/b/a Pave the Way

Shawnee County, 2018-CV-548

Filed March 2, 2018

Default Judgment obtained November 19, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving home repair and asphalt paving. The case remains pending.

Schmidt v. Pete Knippenberg, an individual d/b/a Light it Up, LLC, and d/b/a Light it up Limos

Pottawatomie County, 16-CV-33

Filed May 5, 2016

Default Judgment obtained May 22, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving limousine and party bus transportation services that were not rendered as promised. The court awarded \$665 in consumer restitution, \$1,500 in investigative fees, and \$60,000 in civil penalties. In addition, the defendant was permanently enjoined from operating a vehicle transportation service within the State of Kansas.

Schmidt v. Terrance Allen Kopet Jr, an individual a/k/a T.J. Kopet d/b/a Custom Water Consultants, LLC; a/k/a Custom Water; d/b/a Professional Water Solutions

Shawnee County, 2016-CV-310

Filed April 13, 2016

Consent Judgment obtained March 1, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving deceptive solicitation and sale of residential water systems to Kansas consumers, including falsely representing himself as being a RainSoft dealer. An investigation found that Kopet had claimed to operate from several business addresses in Lawrence that did not exist and had listed a local phone number on invoices and water systems to call for repair services. The court awarded \$7,690.50 in consumer restitution and \$20,000 in suspended civil penalties dependent on compliance with the Consent Judgment. In addition, Kopet was permanently enjoined from doing business as a water softener installation and service company or conducting door-to-door sales in the State of Kansas.

Schmidt v. Lewis Auto Plaza, Inc.

Shawnee County, 2018-CV-125

Filed February 14, 2018

Consent Judgment obtained February 21, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving mailing to consumers “prize notification” flyers that did not comply with Kansas law. The prize notifications failed to disclose to consumers the value of the prize and the odds of winning in immediate proximity to the prize listing in the manner required by law. The court awarded \$2,500 in investigative fees and \$7,500 in civil penalties.

Schmidt v. Lewis Automotive Group

Ellis County, 2018-CV-16

Filed February 15, 2018

Consent Judgment obtained February 15, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving mailing to consumers “prize notification” flyers that did not comply with Kansas law. The prize notifications failed to disclose to consumers the value of the prize and the odds of winning in immediate proximity to the prize listing in the manner required by law. The court awarded \$2,500 in investigative fees and \$7,500 in civil penalties.

Schmidt v. Zachary Lippa, an individual, d/b/a Pacific Tool & Machinery, Pacific Management Group, a/k/a Pacific Tool Co

Shawnee County, 2018-CV-41

Filed January 11, 2018

Default Judgment obtained April 18, 2018

Motion to set aside the Default Judgment granted August 17, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving the sale of wind- and solar-energy units. The lawsuit alleged that the defendant accepted payment for the units but failed to deliver the products. In April 2018, the Court issued a Default Judgment against the defendant after the defendant failed to respond to the lawsuit. A motion by the defendant to set aside the default judgment was granted in August. The case remains pending.

Schmidt v. Christopher Maselka and Iowa Steak Company, LLC, a/k/a Iowa Steak Company, a/k/a Iowa Steak

Shawnee County, 2015-CV-001150

Filed December 31, 2015

Consent Judgment obtained January 22, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act and Kansas Food Advertising and Sales Practices Act involving sale and advertisement of steaks door-to-door while failing to notify consumers of their three-day right to cancel the transaction, cashing the consumers' checks prior to midnight of the fifth business day and willfully misrepresenting material facts about the products and prices. The court awarded \$25,000 investigative fees and \$125,000 civil penalties with \$100,000 of that amount suspended dependent on compliance with the Consent Judgment. The defendants, as well as its employees and agents, were permanently enjoined from conducting business in Kansas. Maselka was also previously prohibited from engaging in such business practices in Kansas by a 1998 court order for committing similar violations.

Schmidt v. M.O.R.E., Inc.

Marion County, 2018-CV-30

Filed June 11, 2018

Consent Judgment obtained June 13, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving pyramid schemes and multi-level marketing which resulted in consumers paying to participate, without receiving the promised income potential represented at the time of the sale. The court awarded \$54,525 in investigative fees and \$10,000 in civil penalties.

Schmidt v. National Auto Protection Corp.

Shawnee County, 2018-CV-397

Filed May 21, 2018

Consent Judgment obtained May 23, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act and Kansas No Call Act involving the defendant failing to consult the National Do Not Call Registry prior to making unsolicited consumer telephone calls in Kansas and also making or causing to be made unsolicited consumer telephone calls to Kansas consumers whose telephone numbers are listed on the National Do Not Call Registry. The court awarded \$10,000 in no-call civil penalties.

Schmidt v. Guy Neighbors d/b/a Advocates for Justice Paralegal Service a/k/a Advocates for Justice

Federal District Court of Kansas, 5:18-cv-04007-DDC-KGS

Shawnee County, 2018-CV-62

Filed January 19, 2018

The attorney general filed suit against the defendant for allegedly violating the Kansas Consumer Protection Act. The petition was filed for the purpose of obtaining a Temporary Restraining Order enjoining the defendant from doing business in the State of Kansas until the defendant obeys the previously issued subpoena duces tecum. The Temporary Restraining Order was granted on May 17, 2018, to correct a technical error, amended on May 21, 2018, and upheld by the Court on July 13, 2018. The case remains pending.

Schmidt v. Sunil Pahouja, \$mart Club, LLC; a/k/a Smart Club, LLC; and Aroma Senses, LLC

Shawnee County, 2017-CV-586

Filed September 7, 2017

Summary Judgment obtained September 24, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act during a “liquidation sale” held at the Kansas Expocentre in Topeka in June 2015. The lawsuit alleged that the defendants engaged in unfair and deceptive business practices by failing to give consumers the required notice of their three-day right to cancel. The court held all defendants jointly liable and awarded \$8,831.25 in investigative fees and \$70,000 in civil penalties. In addition, the defendants were permanently enjoined from operating in Kansas.

Schmidt v. Pearlie Mae’s Compassion and Care, LLC

Shawnee County, 2017-CV-429

Filed June 23, 2017

Consent Judgment obtained January 12, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving the Wayne Owen Act, specifically failure to protect records with personal information which the defendants possessed or caused to be possessed. The court awarded \$1,250 in investigative fees and \$8,750 in civil penalties with \$5,000 of that amount suspended dependent on compliance with the Consent Judgment.

Schmidt v. Gene Steele, an individual d/b/a Cellular Repair Man d/b/a Cell Phone Repair Man

Shawnee County, 2018-CV-765

Filed April 30, 2018

Voluntary Dismissal October 31, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving the sale of an iPhone 7 to a Kansas consumer and willfully using, in oral and written representation, a falsehood, innuendo or ambiguity as to a material fact. The case was voluntarily dismissed.

Schmidt v. Sally Stevens d/b/a Beyond Bountiful, Inc.; d/b/a Bountiful Baskets Food Co-op; d/b/a Bountiful Baskets, Inc.; and Tanya Jolly d/b/a Beyond Bountiful, Inc.; d/b/a Bountiful Baskets Food Co-op; d/b/a Bountiful Baskets, Inc.

Shawnee County, 2018-CV-167

Filed February 23, 2018

Consent Judgment obtained October 16, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving the use of the word “co-op” in their company name without being properly registered to do so. The court awarded \$10,000 in investigative fees and \$13,991.34 in consumer restitution.

Schmidt v. Thomas C. Stolte, an individual a/k/a Tom Stolte, d/b/a Odd Ball Decals

Leavenworth County, 2014-CV-118

March 20, 2014

Consent Judgment obtained October 14, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving non-delivery of items paid for by consumers. The court awarded \$100.29 in consumer restitution, \$5,000.00 in suspended investigative fees, and \$10,000.00 in suspended civil penalties dependent on compliance with the Consent Judgment.

Schmidt v. Eddie Tipton, et al.

Shawnee County, 2017-CV-96

Filed February 10, 2017

Consent Judgment obtained June 18, 2018, against Amy Demoney

Consent Judgment obtained June 18, 2018, against Christopher McCoulskey

Summary Judgment obtained October 29, 2018, against Eddie Raymond Tipton

The attorney general filed suit for violations of the Kansas False Claims Act for presentation of fraudulent claims for lottery winnings. The court awarded \$2,500 in investigative and attorney fees, \$2,500 in civil penalties, and \$9,402.80 in enhanced penalties against defendant Amy Demoney; \$2,500 in investigative and attorney fees, \$4,097.20 in civil penalties and \$7,402.80 in enhanced penalties against defendant Christopher McCoulskey; and \$5,000 in investigative and attorney fees, \$22,000 in civil penalties and \$125,422.80 in enhanced penalties against defendant Eddie Tipton.

Schmidt v. Womack Sunshine Ford, Inc.

Cloud County, 2018-CV-8

Filed February 14, 2018

Consent Judgment obtained February 14, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving mailing to consumers “prize notification” flyers that did not comply with Kansas law. The prize notifications failed to disclose to consumers the value of the prize and the odds of winning in immediate proximity to the prize listing in the manner required by law. The court awarded \$1,250 in investigative fees and \$3,750 in civil penalties.

Schmidt v. Jawad Yahya, an individual a/k/a Mohammad Yahya; a/k/a Yahya Jaward; Yaja Collections, Inc. a foreign corporation d/b/a Yahya Liquidation Sales; d/b/a Liquidation Station; d/b/a Nationwide Liquidation

Shawnee County, 2017-CV-624

Filed September 22, 2017

Default Judgment obtained January 5, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving door-to-door sales, including sales of counterfeit merchandise. The court awarded \$23,967.64 in investigative fees and \$280,000 in civil penalties. In addition, the defendants were permanently enjoined from conducting door-to-door sales in the State of Kansas.

Multistate Litigation

AT&T Mobility, LLC, Cramming Settlement

Assurance of Voluntary Compliance obtained October 7, 2014

The attorney general, along with 49 other states and the District of Columbia, entered into an Assurance of Voluntary Compliance in 2014 to resolve an investigation into the placement of unauthorized third-party charges on consumers' wireless telephone bills. In 2018, final consumer restitution numbers were confirmed to be \$565,697.14 for Kansas residents.

Boehringer Ingelheim Pharmaceuticals, Inc. (BIPI)

Shawnee County, 2018-CV-10

Filed January 5, 2018

Consent Judgment obtained January 8, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving deceptive marketing of pharmaceuticals. Kansas received \$408,559.10 in fees for enforcement of the KCPA.

Operation Troop Aid

Davidson County District Court, Tennessee, 18C1847

Agreed Final Judgment entered July 18, 2018

Kansas, with 15 other states, entered into a settlement agreement with Operation Troop Aid and its president/CEO Mark Woods in 2018 to settle claims related to their investigation into allegations that it mishandled funds donated to send care packages to troops stationed overseas. The Tennessee Attorney General's Office filed an agreed final judgment on behalf of the states in Tennessee state district court. Operation Troop Aid admitted that it failed to segregate any donated funds as restricted funds designated for a particular purpose and that the funds were improperly expended on non-charitable purposes. Operation Troop Aid agreed to cease operating, wind down its operation and be dissolved. The agreement also bars its CEO from serving as a fiduciary or soliciting for any nonprofit organization in the future.

PHH

Filed January 3, 2018

Consent Judgment obtained January 3, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving mortgage servicing practices and standards, such as misapplying payments, failing to maintain accurate account statements, and charging unauthorized fees. Distribution of payments to affected borrowers remains ongoing.

Uber Technologies, Inc.

Shawnee County, 2018-CV-745

Filed September 26, 2018

Consent Judgment obtained September 27, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act involving the failure to safeguard personal information. Kansas received \$738,261.86 in investigative fees as a result of the judgment.

Volkswagen

Shawnee County District Court, 2017-CV-330

Consent Judgment obtained May 19, 2017

The attorney general entered into a Consent Judgment with Volkswagen after the Defendants violated Kansas consumer protection laws prohibiting unconscionable or deceptive trade practices by marketing, selling and leasing diesel vehicles equipped with illegal and undisclosed defeat device software. The Consent Judgment awarded \$2,511,021.23 in penalties. \$55,771,950.00 has been issued in restitution to Kansas consumers since

the settlement was entered. Restitution payments will continue to be paid out to consumers in 2019. Payments to the state from the Volkswagen Environmental Mitigation Trust Fund, which will be overseen by the Kansas Department of Health and Environment, for specified projects to reduce nitrogen oxide emissions have not yet begun.

Wells Fargo

Assurance of Voluntary Compliance obtained December 28, 2018

The attorney general, along with 49 other states and the District of Columbia, entered into an Assurance of Voluntary Compliance in 2018 to resolve an investigation into various practices of and products sold by Wells Fargo related to financial services, insurance products, asset protection products and mortgage fees. The settlement resulted in payments to the states related to the costs of the investigation. Wells Fargo committed to changing its practices and to create reporting mechanisms to appropriate governmental oversight agencies. Remediation programs are in place through a nationwide class action settlement.

Antitrust Investigations

The State of Kansas conducted investigations of companies for potential antitrust violations in the following areas:

- Agriculture Industry
- Financial Rate Setting
- Pharmaceutical Drugs
- Telecommunications Industry

Antitrust Enforcement Actions

State of Connecticut, et al. v. Aurobindo Pharma USA, Inc., et al.

Complaint filed 12/14/2016 in District of Connecticut

Amended Complaint filed 03/01/2017 in District of Connecticut

Case Transferred to Multidistrict Litigation on 04/25/2017

Consolidated Amended Complaint filed 06/18/2018

The attorney general, and the attorneys general of 19 other states filed suit under seal against Heritage Pharmaceuticals, Inc.; Aurobindo Pharma USA, Inc.; Citron Pharma, LLC; Mayne Pharma (USA), Inc.; Mylan Pharmaceuticals, Inc.; and Teva Pharmaceuticals USA, Inc., in the District of Connecticut in December of 2016, alleging that they entered into illegal conspiracies in order to unreasonably restrain trade, artificially inflate and manipulate prices and reduce competition in the United States for two drugs: doxycycline hyclate delayed release, an antibiotic, and glyburide, an oral diabetes medication.

In March 2017, 41 states and territories entered into cooperation and settlement agreements with two former executives of Heritage Pharmaceuticals, Inc. Jason Malek, the former president of Heritage, and Jeffrey Glazer, the company's former chairman and chief executive officer. Each agreed to pay a civil penalty of \$25,000 to the states and cooperate with the ongoing state investigation of conspiracy in the generic drugs industry.

Since the initial filing, the Plaintiff states have increased to include 47 states, the District of Columbia and Puerto Rico, and the litigation has been transferred through the multidistrict litigation process to the Eastern District of Pennsylvania. The states' complaint has expanded to include Actavis Holdco U.S., Inc.; Actavis Pharma, Inc.; Ascend Laboratories, LLC; Apotex Corp.; Dr. Reddy's Laboratories, Inc.; Emcure Pharmaceuticals, Ltd.; Glenmark Pharmaceuticals, Inc.; Lannett Company, Inc.; Par Pharmaceutical Companies, Inc.; Sandoz, Inc.; Sun Pharmaceutical Industries, Inc.; Zydus Pharmaceuticals (USA), Inc.; Rajiv Malik, president and executive director of Mylan N.V., which is the parent company of Mylan Pharmaceuticals, Inc.; and Satish Mehta, the chief executive officer and managing director of Emcure Pharmaceuticals, Ltd., which is the parent company of

Heritage Pharmaceuticals, Inc. The expanded complaint also includes 13 additional drugs which the companies are alleged to have entered into conspiracies. The case remains pending.

London Interbank Offered Rate (LIBOR)

Settlement with Barclays Bank PLC and Barclays Capital Inc. reached on August 8, 2016

Settlement with Deutsche Bank Aktiengesellschaft reached on October 25, 2017

Settlement with Citibank, N.A. reached on June 13, 2018

Settlement with UBS AG reached on December 21, 2018

The attorney general, with attorneys general from 41 other states and territories, entered into a settlement agreement with Citibank, N.A., on June 13, 2018, settling allegations related to manipulation of certain benchmark interest rates, including but not limited to the London Interbank Offered Rate (“LIBOR”) and the Euro Interbank Offered Rate (“Euribor”), and instruments referencing those rates. The states settled similar allegations with UBS AG on December 21, 2018. Settlement notice and claim forms had not yet been sent out to affected government and not-for-profit entities for either settlement at the close of 2018.

Monies from the settlement with Deutsche Bank Aktiengesellschaft reached on October 25, 2017 were distributed to affected government and not-for-profit entities in 2018. Kansas entities received \$58,807.75 from the settlement with Deutsche Bank Aktiengesellschaft.

State of New York, et al. v. Cephalon, et al.

Filed August 4, 2016

Settlement obtained July 25, 2017

The attorney general and attorneys general from 47 other states and the District of Columbia filed concurrent complaints and motions for preliminary settlement on August 4, 2016, to settle claims against Cephalon, Inc., Teva Pharmaceutical Industries, Ltd., Teva Pharmaceuticals USA, Inc., and Barr Pharmaceuticals related to Defendants’ unlawful anticompetitive conduct to delay generic entry of Modafinil, a drug indicated for the treatment of certain sleep disorders, including narcolepsy. Cephalon sells the brand name of the drug as Provigil. Final Kansas consumer restitution numbers were distributed in 2018 and totaled \$330,666.33.

Penguin, et al. (SDNY)

S.D.N.Y., 12-CV-03394-DLC, Civil Action NO. 11-md-02293 (DLC)

Second Amended Complaint Filed May 11, 2012

Judgment against Apple Granted July 10, 2013

Approval of States’ Settlement with Apple Granted November 21, 2014

Second Circuit, No. 13-3857-cv

Appeal Filed October 16, 2013

Judgment against Apple Granted June 30, 2015

U.S. Supreme Court, No. 15-565

Petition for Certiorari filed October 28, 2015

Petition for Certiorari denied March 7, 2016

Cy pres order entered August 9, 2018

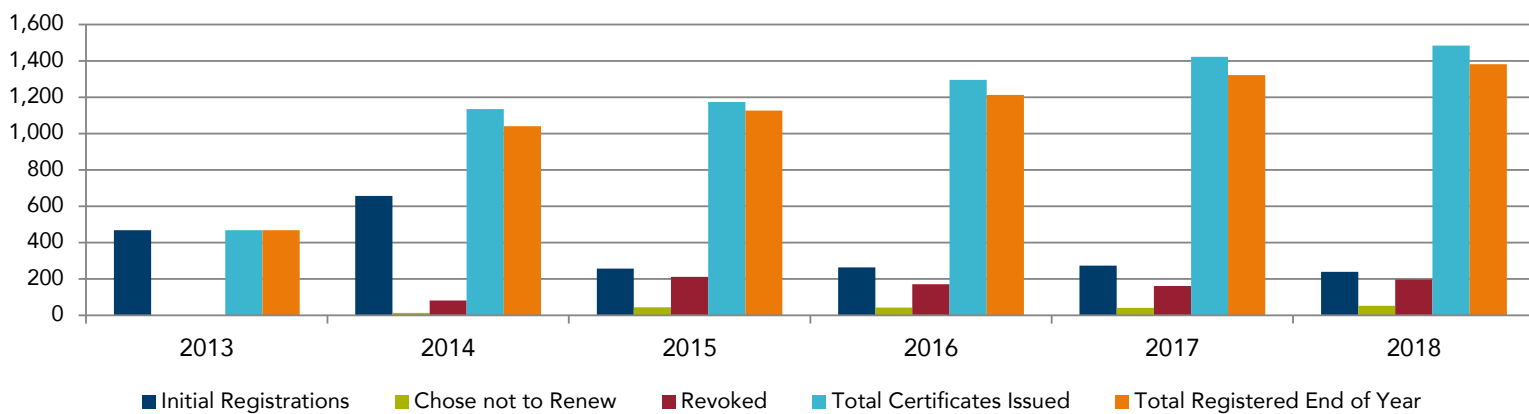
The attorney general, with attorneys general from 32 other states and territories, filed suit alleging that certain book publishers and their co-conspirators entered into an agreement to raise the retail price of electronic books (“e-books”) and Apple acted as facilitator of the conspiracy. The states settled with the publisher defendants in 2013 and 2015. The states continued litigation against Apple, until ultimately a settlement was reached in 2014. Consumer restitution was distributed in three rounds between 2014 and 2017; 98.5% of the funds were distributed nationwide. The court entered a cy pres order regarding the distribution of remaining funds on August 9, 2018, directing that the remaining funds be distributed to non-profit organizations Reading is Fundamental and First Book. Reading is Fundamental is the nation’s largest non-profit organization for children’s literacy. First Book is a 4-star rated charity that has committed to distributing resources among the states equitably by population. The Kansas share of this benefit is \$78,335.

Kansas Roofing Registration Act

2018 was the fifth full year of operation for the Roofing Registration Unit. In addition to processing registrations, staff from the unit traveled to 17 different locations to canvass storm-damaged locations and speak with consumers who were approached by roofing contractors. They also traveled to locations where complaints were filed against unregistered roofers in order to investigate potential violations of the Act.

- Initial registration certificates issued: 239
- Total registration certificates issued during 2018: 1,484
- Roofing contractors who chose not to renew: 52
- Registration certificates revoked: 197
- New exempt general contractor affidavits: 4
- Total contractors in good standing at the end of 2018: 1,381

More information and a current list of registrants are available at www.ag.ks.gov/roofing.



Roofing Registration Act Enforcement Actions

Schmidt v. A-1 Roofing, Renovation & Construction, LLC

Shawnee County, 2018-CV-143

Filed February 19, 2018

Consent Judgment obtained February 23, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$10,000 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Abernathy Roofing & Construction, LLC

Shawnee County, 2018-CV-582

Filed July 30, 2018

Consent Judgment obtained August 6, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$2,500 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Above It All Roofing & Contracting, LLC

Johnson County, 2018-CV-1310

Filed March 12, 2018

Consent Judgment obtained March 13, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$2,500 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Arends Roofing, LLC; d/b/a Compass Roofing; d/b/a Compass General Contracting

Shawnee County, 2018-CV-702

Filed September 10, 2018

Consent Judgment obtained September 24, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$3,500 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Ark Valley, Inc.

Shawnee County, 2018-CV-000923

Filed December 12, 2018

Consent Judgment obtained December 17, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$5,000 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Octavio Arredondo d/b/a J & A Roofing

Seward County, 2018-CV-47

Filed April 6, 2018

Consent Judgment obtained April 9, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$2,500 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Shane Bailey

Bourbon County, 2017-CV-81

Filed October 12, 2017

Default Judgment obtained March 5, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act and Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$10,000 in roofing civil penalties for violations of the Kansas Roofing Registration Act, and \$20,000 civil penalties for violations of the Kansas Consumer Protection Act. The defendant is permanently enjoined from doing business that violates the Kansas Roofing Registration Act and the Kansas Consumer Protection Act.

Schmidt v. Becker & Sons, LLC

Pratt County, 2018-CV-21

Filed May 7, 2018

Consent Judgment obtained May 8, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$3,725 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Jason Bowman, an individual d/b/a Bowman Property Solutions f/d/b/a Grounds Care, LLC

Johnson County, 18-CV-735

Filed February 12, 2018

Consent Judgment obtained February 12, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$10,000 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Gerald Brooks d/b/a Contemporary Home Improvement d/b/a Contemporary Homes

Pratt County, 2018-CV-23

Filed May 21, 2018

Consent Judgment obtained May 22, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$2,500 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Andrew Conklin, an individual, d/b/a Andy's Exterior Solutions

Leavenworth County, 2018-CV-86

Filed March 16, 2018

Consent Judgment obtained March 28, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act and Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$2,750 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. George Cook

Crawford County, 2018-CV-14-P

Filed February 8, 2018

Consent Judgment obtained February 13, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$2,500 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Frank "Joe" R. Corder, an individual, d/b/a FRC Construction

Bourbon County, 2016-CV-185

Filed October 28, 2016

Consent Judgment obtained January 30, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act and Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General, entered into a consumer transaction from which the consumers were unable to receive a material benefit, and entered into a consumer transaction that was excessively one-sided in favor of the defendant. The court awarded \$12,000 in roofing civil penalties, \$4,800 in consumer restitution and \$48,000 in suspended civil penalties. The defendant is permanently enjoined from doing business that violates the Kansas Roofing Registration Act and the Kansas Consumer Protection Act.

Schmidt v. Crest Exteriors, LLC

Shawnee County, 2018-CV-59

Filed January 18, 2018

Consent Judgment obtained January 19, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$2,500 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Adam Cunningham d/b/a Bullseye Roofing

Shawnee County, 18-CV-764

Filed October 5, 2018

Consent Judgment obtained October 18, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$2,750 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Glenn Decker d/b/a Decker Construction

Dickinson County, 2018-CV-85

Filed September 10, 2018

Default Judgment obtained October 16, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act and Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General and entered into a consumer transaction from which the consumers were unable to receive a material benefit. The suit also alleges that Defendant misrepresented products, services, or qualifications as a roofing contractor and that the consumer was unable to receive a material benefit from the transaction. The court awarded \$7,600 in consumer restitution, \$10,000 in civil penalties, and \$20,000 in roofing civil penalties. In addition, the defendant was permanently enjoined from operating as a roofing contractor in the State of Kansas.

Schmidt v. Doll House Investments, LLC, d/b/a DHI Roofing

Shawnee County, 2018-CV-000504

Filed July 2, 2018

Consent Judgment obtained July 9, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$10,000 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Draper Construction & Commercial Roofing, Inc.; f/k/a Draper & Sons Construction, Inc.

Shawnee County, 2018-CV-380

Filed May 14, 2018

Consent Judgment obtained May 17, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$2,750 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. E3 Solutions, LLC

Sedgwick County, 2018-CV-001519-OT

Filed July 6, 2018

Consent Judgment obtained July 6, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$2,500 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Energy Guard Midwest, LLC

Sheridan County, 2018-CV-4

Filed March 16, 2018

Thomas County, 2018-CV-10

Filed March 16, 2018

The attorney general filed suit against the defendant for violating the Kansas Roofing Registration Act by alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General and taking payments from consumers for roofing services but failing to perform the work or return the down payments. A Temporary Restraining Order was granted in both counties. The case remains pending.

Schmidt v. Steven Favela

Barton County, 2018-CV-69

Filed June 7, 2018

Consent Judgment obtained June 7, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$3,500 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Frontline Roofing, LLC

Johnson County, 18-CV-1632

Filed March 26, 2018

Consent Judgment obtained March 28, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$6,000 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Gary Glacken an individual, d/b/a GTL Construction

Geary County, 2018-CV-64

Filed March 14, 2018

Consent Judgment obtained March 20, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$6,000 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Bill Haley, d/b/a Haley & Sons Construction, d/b/a Haley & Sons Quality Restoration

Bourbon County, 2018-CV-26

Filed March 14, 2018

Consent Judgment obtained March 14, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$6,000 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Homescape, Inc.

Shawnee County, 2018-CV-436

Filed June 6, 2018

Consent Judgment obtained June 10, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act and Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General, entered into a consumer transaction from which the consumers were unable to receive a material benefit, solicited door-to-door without providing the consumer with written notice of the consumer's right to cancel, and negotiated the consumer's notes of indebtedness prior to midnight of the fifth business day following the date of the consumer transaction. The court awarded \$10,000 in roofing civil penalties and \$9,262.34 in consumer restitution. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Juan Ibarra d/b/a Triple BBB Roofing

Pawnee County, 2018-CV-27

Filed July 13, 2018

Consent Judgment obtained July 13, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$3,000 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Kansas City Roofscapes, LLC

Johnson County, 18-CV-3994

Filed July 19, 2018

Consent Judgment obtained July 20, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$5,000 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. James Lawson d/b/a Lawson Carpentry

Crawford County, 2017-CV-127-P

Filed October 4, 2018

Consent Judgment obtained October 5, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$5,000 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Jaime Mendoza Mendez, an individual, d/b/a JM Roofing

Shawnee County, 2018-CV-304

Filed April 17, 2018

Consent Judgment obtained April 18, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$3,250 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Rafael Menjivar, an individual, d/b/a Affordable Roofer

Harvey County, 2018-CV-32

Filed March 2, 2018

Consent Judgment obtained March 6, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act and Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$500 in roofing civil penalties and \$2,000 suspended civil penalties, conditional on the defendant complying with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Spencer Mohler, an individual, d/b/a Spencer's Painting, d/b/a Spencer's Painting and Remodeling Interior and Exterior Labor

Jewell County, 2018-CV-14

Filed August 8, 2018

Consent Judgment obtained August 8, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$2,500 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Lucio Morales, an individual, d/b/a Morales Roofing

Lyon County, 2018-CV-62

Filed June 13, 2018

Consent Judgment obtained June 14, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$10,000 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Neal Property Management, LLC

Sedgwick County, 2018-CV-706-OT

Filed March 21, 2018

Consent Judgment obtained March 21, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$2,500 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. New Era Roofing & Restoration, LLC; New Era Roofing, LLC

Jefferson County, 2018-CV-2

Filed January 3, 2018

Default Judgment obtained February 2, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act and Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General, entered into a consumer transaction from which the consumers were unable to receive a material benefit, solicited door-to-door without providing the consumer with written notice of the consumer's right to cancel, and negotiated the consumer's notes of indebtedness prior to midnight of the fifth business day following the date of the consumer transaction. The court awarded \$110,000 in roofing civil penalties for violations of the Kansas Roofing Registration Act, \$30,000 civil penalties for violations of the Kansas Consumer Protection Act, \$6,852.31 in consumer restitution. The defendant is permanently enjoined from doing business that violates the Kansas Roofing Registration Act and the Kansas Consumer Protection Act.

Schmidt v. Shawn Obermann, d/b/a Armor Roofing, Armour Roofing, LLC, a/k/a Armour Roofing, LLC

Shawnee County, 2018-CV-76

Filed January 24, 2018

Consent Judgment obtained July 19, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act and Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$7,500 in roofing civil penalties, \$2,630 in consumer restitution and \$262,500 in civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Karen Overy and Frank Overy d/b/a Affordable Exteriors

Cheyenne County, 2018-CV-12

Filed September 19, 2018

Consent Judgment obtained September 19, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$2,500 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Sonny Peterson, an individual, d/b/a S & J Carpentry/Roofing, S and J Carpentry, S & J Carpentry

Jefferson County, 2016-CV-000083

Filed October 28, 2016

Default Judgment obtained July 19, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act and Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General, entered into a consumer transaction from which the consumers were unable

to receive a material benefit, solicited door-to-door on multiple occasions without providing the consumer with written notice of the consumer's right to cancel, and negotiated consumers' notes of indebtedness prior to midnight of the fifth business day following the date of the consumer transaction. The court awarded \$150,000 in roofing civil penalties for violations of the Kansas Roofing Registration Act, \$130,000 in civil penalties for violations of the Kansas Consumer Protection Act, and \$13,400 in consumer restitution. The defendant is permanently enjoined from doing business that violates the Kansas Roofing Registration Act and the Kansas Consumer Protection Act.

Schmidt v. Professional Contracting Management, LLC, d/b/a Priority Roofing & Exteriors, LLC

Johnson County, 18-CV-282

Filed January 18, 2018

Consent Judgment obtained January 18, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$5,000 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing serviced in the State of Kansas.

Schmidt v. Right Roofing, LLC

Wyandotte County, 2017-CV-1059

Filed December 28, 2017

Consent Judgment obtained January 2, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$10,000 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing serviced in the State of Kansas.

Schmidt v. Rock Construction, Inc.

Sedgwick County, 2018-CV-1823-OT

Filed August 17, 2018

Consent Judgment obtained August 17, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$2,500 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Ronco Construction & Supply Company, Inc.

Shawnee County, 2018-CV-58

Filed January 18, 2018

Consent Judgment obtained January 19, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$2,500 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. James Ryan d/b/a James Remodeling

Shawnee County, 2018-CV-276

Filed April 6, 2018

Consent Judgment obtained April 6, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General.

The court awarded \$2,500 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Gabriel Sanchez, an individual, d/b/a Sanchez Construction, LLC; d/b/a Sanchez Construction GZ, Inc.

Riley County, 2018-CV-46

Filed March 29, 2018

Consent Judgment obtained March 30, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$2,500 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Mark Schneidewind, an individual; Susan Cuthill, an individual; Dollhouse, Inc.; d/b/a MWR, Inc.; d/b/a Midwest Restorations

Shawnee County, 2016-CV-415

Filed May 26, 2016

Consent Judgment obtained August 14, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act and Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General, entered into a consumer transaction from which the consumers were unable to receive a material benefit, and conducted multiple door-to-door solicitations without providing the consumers with written notice of the consumers' right to cancel. The court awarded \$10,000 in roofing civil penalties, \$10,000 in suspended civil penalties and \$4,702.89 in consumer restitution. The defendant is permanently enjoined from doing business that violates the Kansas Roofing Registration Act and the Kansas Consumer Protection Act.

Schmidt v. Seaman & Schuske Metal Works Company, LLC

Shawnee County, 2018-CV-557

Filed July 19, 2018

Consent Judgment obtained July 20, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$2,750 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Randy L. Smith, Reece L. Smith d/b/a Smith Brothers Construction Roofing, LLC

Cloud County, 2018-CV-15

Filed March 27, 2018

Consent Judgment obtained March 28, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$2,750 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Paulo Soares d/b/a Roof Restoration

Johnson County, 18-CV-1315

Filed March 12, 2018

Consent Judgment obtained March 14, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General.

The court awarded \$6,000 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. STR8 UP, LLC

Shawnee County, 2018-CV-000870

Filed November 19, 2018

Consent Judgment obtained November 19, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$5,000 in roofing civil penalties. The defendant agrees to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Total Construction Management, LLC

Shawnee County, 2018-CV-723

Filed September 18, 2018

Consent Judgment obtained October 16, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$2,500 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Versatile Roofing, LLC

Shawnee County, 2018-CV-710

Filed September 12, 2018

Consent Judgment obtained September 19, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$2,500 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Weathertite Roofing & Construction, LLC

Barber County, 2018-CV-5

Filed January 8, 2018

Consent Judgment obtained January 9, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$6,000 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Schmidt v. Quinn Wilcox, an individual, d/b/a Work Busters

Riley County, 2018-CV-39

Filed March 9, 2018

Default Judgment obtained April 17, 2018

The attorney general filed suit for violations of the Kansas Consumer Protection Act and Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General and entered into a consumer transaction from which the consumers were unable to receive a material benefit. The court awarded \$30,000 in roofing civil penalties for violations of the Kansas Roofing Registration Act, \$50,000 in civil penalties for violations of the Kansas Consumer Protection Act, and \$16,759.78 in consumer restitution. The defendant is permanently enjoined from doing business that violates the Kansas Roofing Registration Act and the Kansas Consumer Protection Act.

Schmidt v. Wesley A. Young, and individual, d/b/a Young Roofing and d/b/a Wesley A. Young

Reno County, 2018-CV-231

Filed July 13, 2018

Consent Judgment obtained July 13, 2018

The attorney general filed suit for violations of the Kansas Roofing Registration Act alleging the defendant performed roofing work in Kansas without being properly registered with the Office of Attorney General. The court awarded \$2,500 in roofing civil penalties. The defendant agreed to comply with the Kansas Roofing Registration Act while acting as a roofing contractor and performing roofing services in the State of Kansas.

Amicus Filings

Chapman v. Tristar Products, Inc.

U.S. District Court for the Northern District of Ohio, No. 16-CV-1114

The attorney general joined 17 other states in filing an amicus brief objecting to a proposed class action settlement related to defective pressure cookers. The attorney general objected on the basis that the proposed settlement offered only limited relief to consumers, although it provided large fees to class counsel.

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* Denotes that staff member is no longer with the Consumer Protection Division.
 **Denotes staff that provide part-time support to the Division, but also have duties in other divisions within the agency.



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