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CLERK OF THE SHAWNEE COUNTY DISTRICT COURT
CASE NUMBER: 2021-CV-000077



Court: Shawnee County District Court
Case Number: 2021-CV-000077
Case Title: State of Kansas ex rel Derek Schmidt Atty General
vs. Steven Beck, et al.
Type: Order for Default Judgment

SO ORDERED.

A handwritten signature in black ink that reads "Thomas G. Luedke". The signature is written in a cursive style.

/s/ Thomas G. Luedke, Honorable District Court
Judge

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IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS

| | | |
|-----------------------------------------|---|--------------------------------|
| STATE OF KANSAS, <i>ex rel.</i> |) | |
| DEREK SCHMIDT, Attorney General, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | CASE NO. 2021-CV-000077 |
| STEVEN BECK, an individual |) | |
| And |) | |
| A Ride for the Wounded, Inc. |) | |
| |) | |
| Defendants. |) | |
| |) | |

(Pursuant to K.S.A. Chapter 60)

ORDER FOR DEFAULT JUDGMENT

NOW, on this date, Plaintiff’s Motion for Default Judgment against the Defendant Steven Beck and Defendant A Ride for the Wounded, Inc. (“Motion for Default Judgment”) comes before this Court for consideration. Plaintiff, State of Kansas ex rel. Derek Schmidt, Attorney General, appears by and through Assistant Attorney General Sarah M. Dietz. Defendant Steven Beck and Defendant A Ride for the Wounded, Inc. appears not and is in default.

WHEREUPON, after reviewing the Court’s file and Plaintiff’s Motion for Default Judgment, the Court finds the following:

1. Derek Schmidt is the duly elected, qualified and acting Attorney General for 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 Consumer Protection Act, K.S.A. § 50-623, *et seq.*

3. This Court has personal and subject matter jurisdiction over this controversy by the Kansas Consumer Protection Act, K.S.A. § 50-623, *et seq.*, specifically K.S.A. § 50-638(a).

4. Venue is proper in the Third Judicial District (Shawnee County), pursuant to K.S.A. § 50-638(b).

5. On April 12, 2021, Plaintiff filed a Petition against Defendants.

6. Defendant Beck was the President of Defendant A Ride for the Wounded, Inc., and is responsible for day-to-day operations of Defendant A Ride for the Wounded, Inc. and had control over and access to its financial accounts.

7. Defendant Beck has a last known residential address in Ludowici, Georgia 31316.

8. Defendant A Ride for the Wounded, Inc. has a last known principal place of business located in Basehor, Kansas.

9. K.S.A. 17-6807 provides, "All corporations, whether they expire by their own limitation or are otherwise dissolved, including revocation or forfeiture of articles of incorporation...shall be continued, nevertheless, for the term of three years from such expiration or dissolution or for such longer period as the district court in its discretion shall direct, bodies corporate for the purpose of prosecuting and defending suits..."

10. A copy of Plaintiff's Petition, Summons, Motion for Extension of Time, and Order for Extension of Time was served by Personal Service April 12, 2021 by the Long County Sheriff's Office in the state of Georgia, pursuant to K.S.A. 60-205 and K.S.A. 60-303.

11. A Return of Service for the Petition and Summons was filed with the Court on April 20, 2021, establishing proper service on Defendant A Ride for the Wounded, Inc., pursuant to K.S.A. 60-205 and K.S.A. 60-303.

12. A Return of Service for the Petition and Summons was filed with the Court on April 28, 2021, establishing proper service on Defendant Steven Beck pursuant to K.S.A. 60-205 and K.S.A. 60-303

13. Defendants have failed to file an Answer within thirty (30) days after being served with process, as required by K.S.A. 60-308(a)(3).

14. Plaintiff filed its Motion for Default Judgment on May 17, 2021.

15. Plaintiff's Motion for Default Judgment is predicated on Defendants' failure to file an Answer to the Plaintiff's Petition within thirty (30) days after being served with process, as required by K.S.A. 60-308(a)(3).

16. Defendants are not minors or incapacitated persons.

17. Defendants are in default pursuant to K.S.A. 60-255.

18. The factual allegations set forth in the Plaintiff's Motion for Default Judgment are adopted by the Court as its findings of fact and conclusions of law and are as follows:

a. At all times relevant hereto, and in the ordinary course of business, Defendant A Ride for the Wounded, Inc. has acted as a "charitable organization," as such term is

defined by KCOSA at K.S.A. 17- 1760(a) pursuing ostensibly "charitable purposes" under K.S.A. 17-1760(b).

b. At all times relevant hereto, and in the ordinary course of business, Defendant A Ride for the Wounded, Inc. is a charitable organization which receives its support from donations and purports to use these funds for charitable purposes.

c. In June 2018, the board members of Defendant A Ride for the Wounded, Inc. alleged that the charity's president Defendant Beck likely misappropriated charitable funds from an account on which he was the only authorized user.

d. Defendant Beck used charitable donations on Defendant Beck's personal expenses, totaling as much as \$11,029.05, unrelated to charitable purposes.

e. Defendant Beck made, or caused to be made, the charitable funds for his personal expenses, to be used for purposes other than charitable purposes in violation of K.S.A. 17-1769(i).

f. Under K.S.A. 17-1769(i), KCOSA prohibits individuals from "using donations for other than charitable purposes" in the planning, conduct, or execution of any solicitation or charitable purpose.

IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED that Plaintiff's Motion for Default Judgment is granted.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Judgment is hereby entered against Defendant Steven Beck and Defendant A Ride for the Wounded, Inc. in favor of Plaintiff on all Counts of the Petition.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that the actions and practices alleged in Plaintiff's Petition are prohibited and in violation of the Kansas Charitable Organizations and Solicitations Act, K.S.A. 17-1759 *et seq.* at K.S.A. 17-1768(a).

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant Steven Beck and Defendant A Ride for the Wounded, Inc. and any employees, agents, representatives, affiliates, assignees and successors are permanently enjoined from doing business in the State of Kansas.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant Steven Beck and Defendant A Ride for the Wounded, Inc. pay damages of \$11,029.05 in misappropriated charitable funds.

IT IS SO ORDERED.

THIS ORDER IS EFFECTIVE AS OF THE DATE AND TIME SHOWN ON THE ELECTRONIC FILE STAMP.

Respectfully submitted,

/s/ Sarah M. Dietz
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