

3. Defendant Kevin Edward Wilkinson, d/b/a Roof Specialist, is a supplier within the definition of the Kansas Consumer Protection Act, K.S.A. §50-624(i) and has engaged in consumer transactions, as defined by K.S.A. 50-624(c).

4. Defendant Kevin Edward Wilkinson, d/b/a Roof Specialist, may be served with process at 609 SW 5th Street, Topeka, Kansas 66606, or wherever in Kansas he may be found.

5. During at least August, 2001, Defendant solicited and sold roofing services to consumers in Topeka, Kansas.

6. The Attorney General alleges Defendant engaged in the following acts and practices which are deceptive and violate the Kansas Consumer Protection Act:

- a. Defendant told at least one consumer that he had purchased roofing materials, when, in fact, he had not. This is in violation of §50-626(b)(2) in that it is the willful use of exaggeration, falsehood, innuendo, and ambiguity as to a material fact.
- b. Defendant represented himself as a “roofing specialist;” however, Defendant, on at least one occasion represented that he had only been doing roofing work for approximately two weeks. This is in violation of K.S.A. §50-626(b)(1)(B), in that it is the representation made knowingly and with reason to know that the Defendant had a status that Defendant did not have.

7. Defendant denies the above allegations, but agrees to this Consent Judgment without trial or adjudication of any issue of fact or law.

8. Defendant agrees to refrain from and to be permanently enjoined from engaging in acts and practices described in paragraph six (6) and any other acts which violate the Kansas Consumer Protection Act. Defendant agrees that engaging in acts or similar acts after the date of this Consent Judgment shall constitute a violation of this Order.

9. The provisions of this Consent Judgment will be applicable to Defendant, and every employee, agent or representative of Defendant.

10. Defendant agrees to resolve any future complaints filed with the Office of the Attorney General regarding Defendant after the date of this Consent Judgment to the satisfaction of the Attorney General within thirty (30) days of the date such complaint is forwarded to Defendant for resolution.

11. Defendant agrees to be permanently enjoined from entering into, forming, organizing or reorganizing into any partnership, corporation, sole proprietorship or any other legal structures, for the purpose of avoiding compliance with the terms of this Consent Judgment.

12. Defendant agrees to pay \$100.00 in investigation fees and expenses by cashier's check payable to the Office of the Attorney General of the State of Kansas. Further, Defendant agrees to refund Ms. Pat White, a consumer, \$650.00 by cashier's check (payable to Pat White), pursuant to K.S.A. §50-632(a)(3). Payment shall be completed by or before Friday, August 31, 2001, and shall be delivered to the Attorney General's Office.

13. Parties agree that payment of investigation fees and expenses and civil penalties, as set out in paragraph twelve (12) of this Consent Judgment shall not be subject to interest as long as all payments are timely made. Defendant agrees that failure to make timely payments of investigative fees and expenses and civil penalties, as set out in paragraph twelve (12) of this Consent Judgment, will result in the amount of the entire unpaid balance becoming due within five (5) days of the first payment missed and subject to interest, as provided in K.S.A. §16-204.

14. Defendant agrees to pay all expenses and reasonable attorney's fees in connection with the collection of any amounts in this judgment, provided Defendant does not pay the amounts as agreed herein within the time frame stated.

15. Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Consent Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of violations thereof.

16. If any portion, provision or part of this Consent Judgment is held to be invalid, unenforceable, or void for any reason whatsoever, that portion shall be severed from the remainder and shall not affect the validity or enforceability of the remaining provisions, portions or parts.

17. Compliance with this Consent Judgment does not relieve Defendant of any obligation imposed by applicable federal, state or local law, nor shall the Attorney General be precluded from taking appropriate legal action to enforce civil or criminal statutes under her jurisdiction.

18. The parties understand this Consent Judgment shall not be construed as an approval of or sanction by the Attorney General of the business practices of Defendant nor shall Defendant represent the decree as such an approval. The parties further understand that any failure by the State of Kansas or by the Attorney General to take any action in response to any information submitted pursuant to the Consent Judgment shall not be construed as an approval of or sanction of any representations, acts or practices indicated by such information, nor shall it preclude action thereon at a later date.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the stipulation and agreement of the parties contained herein are adopted and approved as the findings of fact and conclusions of law of the Court and any monies owed hereunder by Defendant immediately become a judgment upon filing.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment is entered against Defendant in favor of Plaintiff in the amount of \$750.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to the Kansas Consumer Protection Act, and the provisions of K.S.A. 50-632(b), the Court hereby approves the terms of the Consent Judgment and adopts the same as the Order of the Court.

IT IS SO ORDERED.

/s/ Hon. Maeta Luckert
Judge of the District Court

PREPARED AND APPROVED BY:

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