

Stacy A. Jeffress, #12460  
Assistant Attorney General  
120 SW 10<sup>th</sup> Avenue, 2<sup>nd</sup> Floor  
Topeka, Kansas 66612-1597  
(785) 296-3751

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KS. DISTRICT COURT  
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IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS  
Division 6

STATE OF KANSAS, *ex rel.*, )  
CARLA J. STOVALL, Attorney General, and )  
KANSAS BOARD OF PHARMACY, )  
Plaintiffs, )  
v. )  
ROY C. ALIVIO, BO PLATT, and )  
MALE CLINIC, L.L.C., d/b/a MALE CLINIC, )  
DAVID HAIRHOGER, )  
d/b/a COMMUNITY DRUG OF PITTSBURGH, )  
MILES JONES, M.D., and )  
RICK WILLIAMS, M.D., )  
Defendants. )

Case No. 99 C 751

AS to  
Rick Williams,  
M.D.  
~~et al.~~

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

JOURNAL ENTRY OF CONSENT JUDGMENT

NOW on this 1st day of November, 2001, comes before the Court the Journal Entry of Consent Judgment entered into between the parties, pursuant to K.S.A. 50-632(b). Plaintiff State of Kansas, *ex rel.* Carla J. Stovall, Attorney General, appears by and through Stacy A. Jeffress, Assistant Attorney General. Defendant Rick Williams, M.D., appears pro se. There are no other appearances.

WHEREUPON, the parties appearing before the Court advise that they have stipulated and agree to the following matters:

1. Carla J. Stovall is the Attorney General of the State of Kansas.
2. The Attorney General's authority to bring this action is derived from statutory and common law of Kansas, specifically, the Kansas Consumer Protection Act, K.S.A. 50-623, *et seq.*
3. Defendant Rick Williams, M.D., admits the Court has personal and subject matter jurisdiction.
4. Defendant Rick Williams, M.D., admits venue is proper in the Third Judicial District of Kansas (Shawnee County).
5. Defendant Rick Williams, M.D., is a medical doctor and a supplier within the definition of K.S.A. 50-624(j) (2001 Kansas Session Laws) and has engaged in consumer transactions in Kansas within the definitions of K.S.A. 50-624(c).
6. At all relevant times hereto, Defendant Rick Williams, M.D., was responsible for the acts of his employees, agents and representatives under the doctrine of *respondeat superior*.
7. At all relevant times hereto, Defendant Rick Williams, M.D., was not licensed by the Kansas State Board of Healing Arts to practice the healing arts within the State of Kansas.
8. The Attorney General alleges Defendant Rick Williams, M.D., committed unconscionable acts and practices in violation of K.S.A. 50-627(b) and in reckless disregard for the safety and welfare of Kansas consumers who entered into consumer transactions to purchase prescription-only medications, in that, on or about the 15<sup>th</sup> day of March, 1999:
  - a. Defendant Rick Williams, M.D., engaged in the practice of the healing arts in Kansas even though he was not licensed by the Kansas State Board of Healing Arts;

- b. Defendant Rick Williams, M.D., prescribed the prescription-only medication, Viagra, to a Kansas consumer without requiring an examination or actual consultation to determine the medical need for Viagra and to explain the proper administration, potential side effects, dangers and contraindications of Viagra; and
- c. Defendant Rick Williams, M.D., prescribed the prescription-only medication, Viagra, to a minor consumer in Kansas without requiring parental consent.

9. Defendant Rick Williams, M.D., denies each of the Attorney General's allegations but agrees to this Consent Judgment without trial or adjudication of any issue of fact or law in order to bring this matter to a mutually beneficial conclusion.

10. Defendant Rick Williams, M.D., agrees to refrain from and to be permanently enjoined from engaging in violations of the Kansas Consumer Protection Act described in paragraph eight (8) above. Defendant Rick Williams, M.D., agrees that engaging in such acts after the date of this Consent Judgment shall constitute a violation of this Order.

11. The provisions of this Consent Judgment will be applicable to Defendant Rick Williams, M.D., and every employee, agent or representative of Defendant Rick Williams, M.D.

12. Defendant Rick Williams, M.D., 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.

13. Defendant Rick Williams, M.D., acknowledges that in the course of settlement

negotiations, he has represented to the Office of the Attorney General of the State of Kansas that he authorized only one prescription for anyone in the State of Kansas pursuant to a purchase of prescription-only medication from the Internet website situated at [www.maleclinic.com](http://www.maleclinic.com). Defendant Rick Williams, M.D., further acknowledges that the Plaintiff State of Kansas relied upon the representation of Rick Williams, M.D., to such number of prescriptions in agreeing to the terms of settlement set forth in this Journal Entry of Consent Judgment.

14. Defendant Rick Williams, M.D., agrees to pay \$1500.00 in civil penalties and investigative fees and expenses to the "Office of Attorney General" at the time of signing this Consent Judgment, pursuant to K.S.A. 50-623 *et seq.* Payment shall be by cashier's check.

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 Rick Williams, M.D., 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 Rick Williams, M.D.,

nor shall Defendant Rick Williams, M.D., 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.

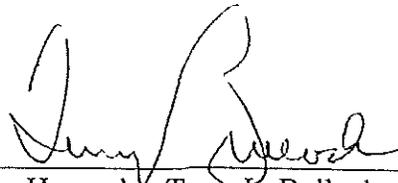
19. The parties understand that this Consent Judgment shall not be construed as an admission by Defendant Rick Williams, M.D., of any matters alleged in the Amended Petition filed in this matter and Defendant Rick Williams, M.D., specifically denies each and every allegation contained herein.

**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.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that judgment is entered against Defendant Rick Williams, M.D. and in favor of the Plaintiff State of Kansas. The Court's Order herein shall not affect Defendants Roy C. Alivio, Bo Platt, Male Clinic, L.L.C., d/b/a Male Clinic, or Miles Jones, M.D., or any of the allegations against Defendants Roy C. Alivio, Bo Platt, Male Clinic, L.L.C., d/b/a Male Clinic, or Miles Jones, M.D., in the Plaintiff's Amended Petition.

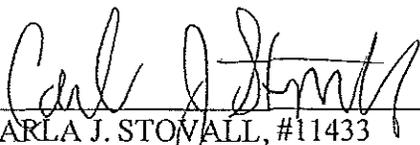
**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that pursuant to the Kansas Consumer Protection Act, and the provisions of K.S.A. 50-632(b), the Court hereby approves the terms of the Consent Judgment and adopts the same as the Order of the Court.

**IT IS SO ORDERED.**

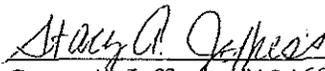


The Honorable Terry L. Bullock  
Judge of the District Court

**PREPARED AND APPROVED BY:**



CARLA J. STOVALL, #11433  
Attorney General



Stacy A. Jeffress, #12460  
Assistant Attorney General  
120 SW 10<sup>th</sup>, 4<sup>th</sup> Floor  
Topeka, Kansas 66612-1597  
(785) 296-3751  
Attorney for Plaintiff

**APPROVED BY:**



Rick Williams, M.D.  
98-1254 Kaahumanu Street  
Pearl City, HI 96782-3200  
Defendant