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IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
Division 6

STATE OF KANSAS, ex rel.,)
CARLA J. STOVALL, Attorney General,)
)
Plaintiff,)
)
v.)
)
SHARIAR RAHIMI)
Defendant)

Case No. 02-C-261

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

JOURNAL ENTRY OF JUDGMENT

NOW on this ____ day of June, 2002, the above matter comes on for trial to the Court. Plaintiff appears by and through James R. McCabria, Assistant Attorney General. Defendant fails to appear. There are no other appearances.

WHEREUPON, the matter is called for trial, Plaintiff presents its evidence and rests.

WHEREUPON, after duly considering the evidence and pleadings of record and the arguments and statements of counsel, the Court finds as follows:

- (a) Plaintiff filed a petition with this Court on or about February 20, 2002, and Defendant filed a pro se answer thereto on or about March 28, 2002.
- (b) The Court has jurisdiction of the parties hereto and the subject matter hereof. Venue is properly before this Court.

- (c) Defendant, by his answer, admits that he engaged in a consumer transaction with a consumer for the purpose of transferring monies provided by the consumer to the consumer's family in the nation of Iran.
- (d) Defendant, by his answer, admits that the consumer paid Defendant \$11,200.00.
- (e) Defendant is a supplier pursuant to K.S.A. 50-624(j).
- (f) Defendant, by his answer, denies only for lack of information the allegation that the money was never received by the consumer's family in Iran.
- (g) Plaintiff has introduced the testimony of Aliveza Ahmadian who has testified that he is the consumer that contracted with Defendant and that the money was never received by his family in Iran.
- (h) The consumer further testified and the Court finds that he sent the money to Defendant's corporate account in two installments: \$5,000 on or about February 25, 2000 and \$6,200 on or about March 13, 2000.
- (i) The consumer advised Defendant that time was of the essence. Defendant personally assured the consumer the transfer would happen without delay.
- (j) Within days of paying the funds to the Defendant, the consumer began to question Defendant as to why the money had not been received. Defendant personally advised the consumer repeatedly that the funds had been transferred.
- (k) On or about May 5, 2000, the Defendant personally instructed the consumer to make a formal written request for the return of the funds under the pretense that the Defendant needed such written request to obtain the return of the money.
- (l) Sometime thereafter, Defendant admitted to the consumer that he had never transferred the money to the consumer's family in Iran.
- (m) Sometime during the spring of 2001, Defendant made a payment of \$1,000 to the consumer as partial satisfaction of the amount owing as a refund of the monies paid by the consumer.
- (n) Defendant Shariar Rahimi personally engaged in unconscionable acts and practices in violation of K.S.A. 50-627(b)(3) by failing, after accepting payment of \$11,200 from Aliveza Ahmadian, a consumer, to deliver the services contracted therefore and misrepresenting to the consumer that such services had been performed so that the consumer received no material benefit from the transaction. *See William v. Ewen*, 230 Kan. 262, 634 P.2d 1061 (1981).
- (o) Pursuant to the United States Bankruptcy Code, specifically 11 U.S.C. 523(a)(2)(A) and (a)(7), the judgment herein is not dischargeable.

IT IS THEREFORE BY THE COURT ORDERED, ADJUDGED AND DECREED that


the following judgment should be, and is, hereby entered against Defendant Shariar Rahimi:

- (a) the acts and practices described above are declared unconscionable and in violation of the Kansas Consumer Protection Act, pursuant to K.S.A. 50-632(a)(1);
- (b) Defendant Shariar Rahimi is hereby permanently enjoined from these and other violative practices, pursuant to K.S.A. 50-632(a)(2);
- (c) Defendant Shariar Rahimi shall pay the sum of \$10,200 as consumer restitution to Aliveza Ahmadian, pursuant to K.S.A. 50-632(a)(3);
- (d) Defendant Shariar Rahimi shall pay the sum of \$5,000.00 in civil penalties for the violation of the Kansas Consumer protection act, as provided by K.S.A. 50-636(a); and
- (e) Plaintiff is granted judgment against Defendant Shariar Rahimi in the total amount of \$15,200.00.

IT IS SO ORDERED.

The Hon. Terry J. Bullock
Judge of the District Court

Prepared by:



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