

2. Defendant Gregory L. Sams was personally served with a copy of the summons and Petition at Western Reception Diagnostic Correctional Center, 3401 Faroan Street, St. Joseph, Missouri, on September 23, 2003.

3. Plaintiff has requested that judgment by default be entered in favor of Plaintiff and against Defendant Gregory L. Sams, d/b/a Benefit Reduction Services.

4. This Court has subject matter jurisdiction over this case under the Kansas Consumer Protection Act, K.S.A. 50-623 *et seq.*

5. This Court has jurisdiction over the parties pursuant to the Kansas Consumer Protection Act, K.S.A. 50-623 *et seq.*

6. More than thirty (30) days have elapsed since Defendant Gregory L. Sams, d/b/a Benefit Reduction Services, was served with a copy of the summons and a copy of the Petition.

7. Defendant Gregory L. Sams has not filed an answer.

8. Defendant Gregory L. Sams is in default.

9. Judgment by default should be entered in favor of Plaintiff and against Defendant Gregory L. Sams, d/b/a Benefit Reduction Services, for all relief to which Plaintiff is by law entitled.

10. Plaintiff has properly shown that Plaintiff's Motion for Judgment by Default has merit. Plaintiff's Motion for Judgment by Default should be granted and sustained.

11. Plaintiff has alleged in the Petition that the following acts and practices by Defendant Gregory L. Sams, d/b/a Benefit Reduction Services, are violations of the Kansas Consumer Protection Act, K.S.A. 50-623 *et seq.*, and are deceptive:

- a. Defendant Gregory L. Sams, d/b/a Benefit Reduction Services, engaged in unlawful deceptive acts or practices by failing to state or willfully concealing, suppressing, or omitting the material fact that he was a convicted felon in the State of Missouri whose parole conditions specifically prohibited him from handling other people's money and from working with elderly people, in violation of K.S.A. 50-626(b)(3).
- b. Defendant Sams engaged in an unlawful deceptive act or practice by willfully using exaggeration, falsehood, innuendo, or ambiguity as to a material fact in an oral or written representation by claiming that Barbara Coonrod's late husband had purchased Defendant's discount program and she therefore owed \$279 to Defendant, in violation of K.S.A. 50-626(b)(2).
- c. Defendant Sams engaged in an unlawful deceptive act or practice by willfully concealing, suppressing, or omitting the material fact that he would use consumers' bank account information already in his possession to process draft withdrawals from consumers' bank accounts without said consumers' authorization, in violation of K.S.A. 50-626(b)(3).

12. Plaintiff has alleged in the Petition that the following acts and practices by Defendant Gregory L. Sams, d/b/a Benefit Reduction Services, are violations of the Kansas Consumer Protection Act, K.S.A. 50-623 *et seq.*, and are unconscionable:

- a. Defendant Sams engaged in an unlawful unconscionable act or practice by obtaining and submitting for payment a check, draft or

other form of negotiable instrument or payment order drawn on a person's checking, savings, share or similar account without the consumer's express authorization, in violation of K.S.A. 50-6,105 and K.S.A. 50-627.

13. Each of the Kansas consumers cited in Plaintiff's Motion for Judgment by Default qualifies as an "elder person" as that term is defined in K.S.A. 50-676(a) (2002 Supp.).

14. Defendant knew or should have known that his conduct was directed at elder persons and that his conduct caused said elder persons mental or emotional anguish; loss of funds received under a pension, retirement plan, or government benefits program; loss of property set aside for retirement or for personal or family care and maintenance; and loss of assets essential to the health and welfare of said elder persons, pursuant to K.S.A. 50-678.

15. Pursuant to K.S.A. 50-677, Defendant has committed nineteen violations of the Kansas Consumer Protection Act against elder persons.

IT IS THEREFORE BY THE COURT ORDERED, ADJUDGED AND DECREED that the Plaintiff's Motion for Judgment by Default is granted and sustained.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment is hereby entered in favor of Plaintiff and against Defendant Gregory L. Sams, d/b/a Benefit Reduction Services, as set forth in this Journal Entry of Default Judgment, on all claims.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the acts and practices alleged in Paragraph 11 above are hereby declared to be deceptive and in violation of the Kansas Consumer Protection Act.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the acts and practices alleged in Paragraph 12 above are hereby declared to be unconscionable and in violation of the Kansas Consumer Protection Act.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Gregory L. Sams, d/b/a Benefit Reduction Services, together with such Defendant's officers, directors, employees, shareholders, agents, successors, servants and assigns, are hereby permanently enjoined from engaging in the above-cited deceptive and unconscionable acts and practices.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judgment is hereby entered in favor of Plaintiff State of Kansas, *ex rel.* Phill Kline, Attorney General, and against Defendant Gregory L. Sams, d/b/a Benefit Reduction Services, for civil penalties in the amount of \$380,000.00 for committing nineteen (19) violations of the Kansas Consumer Protection Act against elder persons as provided by K.S.A. 50-677.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judgment is hereby entered in favor of Plaintiff State of Kansas, *ex rel.* Phill Kline, Attorney General, and against Defendant Gregory L. Sams for consumer restitution in the total amount of \$2,056.25 due to the following Kansas consumers in the respective amounts, pursuant to K.S.A. 50-632(a)(3): \$279.00 to Rose Lee, \$299.00 to Lewis Reiners, \$418.50 to John Rodenbaugh, \$279.00 to Donald Shaw, \$279.00 to Vesta Shea, \$279.00 to Bernadine Wright, and \$222.75 to Hobert Yates.

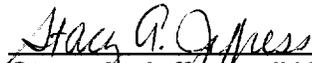
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judgment is hereby entered in favor of Plaintiff State of Kansas, *ex rel.* Phill Kline, Attorney General, and against that Defendant Gregory L. Sams for expenses and investigative fees in the amount of \$1,290.00.

IT IS SO ORDERED.



The Honorable Terry L. Bullock
District Court Judge

Prepared by:



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