

James J. Welch, #09546
Assistant Attorney General
Office of the Attorney General
Kansas Judicial Center
Topeka, Kansas 66612-1597
913/296-3751

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KS DISTRICT COURT
3RD JUDICIAL DIST.
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GENERAL JURISDICTION
TOPEKA KANSAS

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
Division 13

STATE OF KANSAS, *ex rel.*)
CARLA J. STOVALL, Attorney General,)
)
Plaintiff,)
)
vs.)
)
JANET G. FRIESEN)
d/b/a J & K ENTERPRISES,)
)
Defendant.)
_____)

96 CV 835

JOURNAL ENTRY OF CONSENT JUDGMENT

NOW on this 26th day of July 1996, the plaintiff's petition for approval of consent judgment comes before the court for consideration. The State of Kansas, *ex rel.* Carla J. Stovall, Attorney General, appears by and through James J. Welch, Assistant Attorney General. Defendant Janet G. Friesen, d/b/a J & K Enterprises appears pro se. There are no other appearances.

In lieu of investigating or continuing the action the signing parties acquiesce and accept this consent judgment with respect to the acts and practices alleged in this lawsuit to be violations of the Kansas Consumer Protection Act. The consent judgment entered into herein, pursuant to law, shall

JOURNAL ENTRY OF CONSENT JUDGMENT

not be deemed to admit a violation of the *Consumer Protection Act* by any consenting defendant. Whereupon, the parties advise the court that they have stipulated and agreed to the following matters:

1. Carla J. Stovall is the Attorney General of the State of Kansas.
2. Defendant Janet G. Friesen, d/b/a J & K Enterprises is a Kansas resident.
3. Defendant admits the court has personal and subject matter jurisdiction over the signing parties.
4. Defendant is a supplier within the definition of the Kansas Consumer Protection Act, K.S.A. 50-624(i).
5. Defendant has engaged in consumer transactions, as defined by K.S.A. 50-624(c).
6. The Attorney General alleges the following acts and practices by Defendant were deceptive and/or unconscionable and violate the Kansas Consumer Protection Act:
 - A. Defendant's solicitation represents "Guaranteed credit cards with credit limits up to \$10,000 within days . . . Instant credit with no security deposit."
 - B. Defendant Janet G. Friesen, d/b/a J & K Enterprises is a credit services organization, as defined in K.S.A. §50-1102 due to the fact that a substantial part of Defendant's services involve the extension of credit.
 - C. Defendant has charged consumers for services before completing performance agreed upon without filing a surety bond in the amount of \$25,000.00 with the Kansas Consumer Credit Commissioner, as required by

K.S.A. §50-1103(a).

D. Defendant's solicitation guaranteed consumers an extension of credit regardless of the person's previous credit problem or credit history without clearly disclosing the eligibility requirements for obtaining an extension of credit, in violation of K.S.A. §50-1103(c)(2).

E. Defendant advertised the services of a credit services organization without filing a registration statement with the consumer credit commissioner, in violation of K.S.A. §50-1103(f).

7. Defendant is enjoined from engaging in the various acts and practices as set out in paragraph six (6). Any commission of the acts and practices set out in paragraph six (6) by Defendant after the filing of this consent judgment shall constitute a violation of this consent judgment.

8. Defendant agrees and is hereby ordered to pay a refund to any person who complains to the Attorney General of Kansas within thirty (30) days of defendant receiving notice of a complaint that the Attorney General has determined to be a valid complaint. Defendant shall be deemed to have received notice on the date the plaintiff sends such notice by first-class United States mail. Further, Defendant agrees to immediately return the application and fee to any person who makes application to Defendant for credit card as a result of Defendant's prior solicitation.

9. Defendant agrees and is hereby ordered to pay \$300 in investigation fees and expenses to the Attorney General of the State of Kansas, a \$100 civil penalty to the State of Kansas at the time of filing of this consent judgment, and make a \$100 contribution to a charitable

organization to be designated by the Kansas Attorney General. Payment will be by money orders, in the form of five monthly payment installments of \$100 each. The first payment shall be made by or before August 1, 1996, with each subsequent payment due on the 1st day of every month until the total amount has been paid.

10. The persons who have responded to Defendant's solicitation are listed in Appendix A, which is attached hereto.
11. Defendant affirms that all of the information she has provided to the Attorney General's Office and all of the information she has provided and will provide is true and accurate to the best of her knowledge. Defendant further agrees to assist the Attorney General's Office in its other prosecutions as they relate to the transactions which are the subject matter of this Consent Judgment.

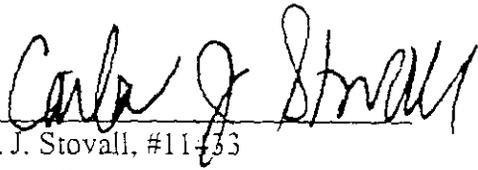
IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the stipulation and agreement of the parties contained herein are adopted and approved as the findings and order of the court pursuant to K.S.A. 50-632(b).

SO ORDERED.

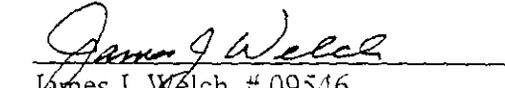


DISTRICT COURT JUDGE

Prepared and approved by:



Carla J. Stovall, #11433
Attorney General



James J. Welch, # 09546
Assistant Attorney General
Counsel for Plaintiff



Janet G. Friesen
d/b/a J & K Enterprises
P.O. Box 19204
Topeka, KS 66619