

97-037

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IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
Division 7

STATE OF KANSAS, *ex rel.*
CARLA J. STOVALL, Attorney General

Plaintiff,

vs.

ROGER K. JAMESON,
D/B/A RANDOM ACTS OF KINDNESS,

Defendant.

Case No. 97CV716

Petition Pursuant to K.S.A. Chapter 60

JOURNAL ENTRY OF CONSENT JUDGMENT

NOW on this _____ day of _____, 1997, Plaintiff's Petition for Approval of Consent Judgment comes before the Court pursuant to K.S.A. §50-632(b). Plaintiff, the State of Kansas, *ex rel.* Carla J. Stovall, Attorney General, appears by and through James J. Welch, Assistant Attorney General. Defendant Roger K. Jameson, d/b/a Random Acts of Kindness, appears pro se.

Whereupon, the parties advise the Court 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 the statutory and common law of the State of Kansas, specifically the Kansas Consumer Protection Act,

K.S.A. §50-623 *et seq.* and the Charitable Organizations and Solicitations Act, K.S.A. §17-1759 *et seq.*

3. Defendant Roger K. Jameson, d/b/a Random Acts of Kindness is an individual doing business within the State of Kansas and purporting to be charitable organization with its principal place of business at 649 East 1750, Baldwin, KS 66006.

4. Defendant is holding himself out as a charitable organization within the definition of K.S.A. §17-1760 and has engaged in solicitations for funds in Kansas within the definition of K.S.A. §17-1760(f).

5. Defendant admits the Court has personal and subject matter jurisdiction over the parties.

6. Defendant stipulates and waives any objection to venue in Shawnee County.

7. The Attorney General alleges and Defendant admits Defendant engaged in the following acts and practices which are deceptive and/or unconscionable and violate the Charitable Organizations and Solicitations Act:

- a. Defendant solicited donations for a charitable purpose from consumers within the State of Kansas by way of a printed solicitation which appeared in The Trading Post publication dated November 21, 1996; however, Defendant has not obtained a Charitable Solicitation license from the Kansas Secretary of State's Office . This is in violation of K.S.A. §17-1763 and §17-1769(a).
- b. Defendant's solicitation represents, by implication, that shoes and clothes are provided to local children through Defendant's receipts of donations; however, Defendant has not provided any donations, shoes, clothing, or any other product or service to local children. This is in violation of K.S.A. §17-1769(b)(1), in that it is the willful use of exaggeration, falsehood, and ambiguity as to a material fact. This is also in violation of

K.S.A. §17-1769(b)(2)(A), in that Defendant took advantage of persons' inability to reasonably protect such persons' interests because of those persons' inability to determine whether or not Defendant had, in fact, provided such products.

8. Defendant voluntarily admits liability and agrees to this Consent Judgment without trial or adjudication of any issue of fact or law.

9. Defendant agrees to refrain from and to be permanently enjoined from engaging in those acts and practices alleged to be deceptive or unconscionable in paragraph seven (7) of this Consent Judgment, and Defendant agrees that engaging in such acts or similar acts, after the date of this Consent Judgment, shall constitute a violation of this Order.

10. Defendant agrees to refrain from and to be permanently enjoined from engaging in any and all deceptive and/or unconscionable acts and practices in violation of the Charitable Organizations and Solicitations Act, K.S.A. §17-1759 *et seq.* and/or the Kansas Consumer Protection Act, K.S.A. §50-623 *et seq.*, as they now exist or as amended in the future and Defendant agrees that engaging in such acts or practices 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, and every employee, agent or representative of Defendant.

12. Defendant agrees to make available and/or disclose the provisions of this Consent Judgment to its employees, agents and representatives within five days of signing the Consent Judgment.

13. 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 30 days of the date such complaint is forwarded to Defendant for resolution.

14. 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 or this Consent Judgment.

15. Defendant agrees to pay \$ 500 in investigation fees and expenses to the "Office of the Attorney General" of the State of Kansas. Payment shall be made by certified checks and shall be delivered to the Attorney General of the State of Kansas at the time of signing this Consent Judgment.

16. Defendant agrees to pay \$ 500 in investigation fees and expenses to the "Office of the Attorney General" of the State of Kansas. Payment for investigative fees and expenses shall commence on or about March 21, 1997 and shall be paid at the rate of \$50.00 per month until the entire amount payable is satisfied.

17. 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.

18. Defendant agrees to maintain all business records for a period of five years and to allow the Attorney General to inspect all of Defendant's business records in the future.

19. 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.

20. 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.

21. 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.

22. The parties understand that 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.

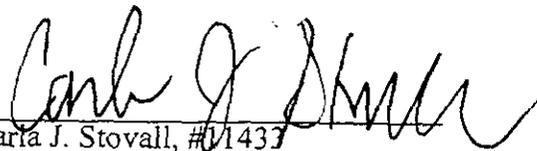
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment is entered against Defendant in favor Plaintiff in the amount of \$ 500.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to the Kansas Consumer Protection Act and the Charitable Organizations and Solicitations 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.

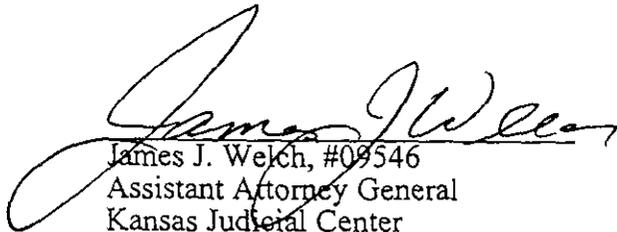
IT IS SO ORDERED.

DISTRICT COURT JUDGE

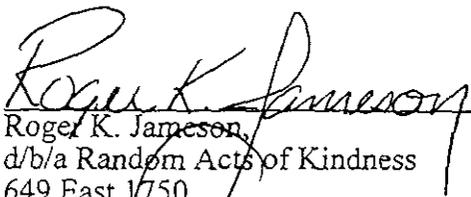
Approved by:



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Roger K. Jameson
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649 East 1750
Baldwin, KS 66006
Defendant