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KANSAS ATTORNEY GENERAL
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DISTRICT COURT
KINGMAN COUNTY

IN THE DISTRICT COURT OF KINGMAN COUNTY, KANSAS
Division 4

STATE OF KANSAS, *ex rel.*)
CARLA J. STOVALL, Attorney General,)
)
Plaintiff,)
)
v.)
)
MARK E. RANK,)
)
Defendant.)

Case No. 00 C 12

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

JOURNAL ENTRY OF CONSENT JUDGMENT

NOW on this 1st day of June, 2000, 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 Gail E. Bright, Assistant Attorney General. Defendant appears *pro se*.

WHEREUPON, the parties advise the Court 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. At all times relevant hereto, Defendant was an individual engaged in providing landscaping services.

4. At all times relevant hereto, Defendant was a supplier within the definition of K.S.A. 50-624(i) and engaged in consumer transactions in Kansas within the definitions of K.S.A. 50-624(c).

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

6. The Attorney General alleges Defendant engaged in the following acts and practices which are deceptive and/or unconscionable and violate the Kansas Consumer Protection Act:

(a) Defendant failed, after accepting payment from a consumer, to deliver the products and services Defendant had agreed to provide, an unconscionable act and practice in that the consumer was unable to receive a material benefit from the subject of the transaction, in violation of K.S.A. 50-627(b)(3)(1999 Supp.).

7. Defendant agrees to this Consent Judgment without trial or adjudication of any issue of fact or law and denies each and every one of the Attorney General's allegations set forth herein.

8. Defendant agrees to refrain from and to be permanently enjoined from engaging in acts and practices described in paragraph six (6) above in violation of the Kansas Consumer Protection Act. Defendant agrees that engaging in acts or similar acts after the date of this Consent Judgment shall constitute a violation of this Order.

9. The provisions of this Consent Judgment will be applicable to Defendant, and every employee, agent or representative of Defendant.

10. 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 of this Consent Judgment.

11. Defendant agrees to pay a total of \$1,065.00 in consumer restitution to Anna Mae Cooper, Box 552, Cheney, Kansas, 67502. Defendant agrees that failure to pay such restitution, after the date of this Consent Judgment, shall constitute a violation of this Order.

12. Defendant agrees to pay \$250.00 in civil penalties and \$250.00 in investigative fees and expenses to the "Office of the Attorney General" of the State of Kansas. Defendant agrees that failure to make such payment, after the date of this Consent Judgment, shall constitute a violation of this Order.

13. Defendant agrees to pay the amount of \$100.00 per month until this Consent Judgment is satisfied. The first payment is due on June 1, 2000, with subsequent \$100.00 payments on the first of each month thereafter and terminating when Defendant has fully satisfied the monetary obligations pursuant to the Consent Judgment. Failure to remit payment on time is a violation of this Judgment and will result in the remaining unpaid balance becoming due immediately. Defendant may, at Defendant's discretion, pay additional sums and/or accelerate payment for the purpose of satisfying this debt at an earlier date.

14. 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.

15. 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.

16. 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.

17. The parties understand this Consent Judgment shall not be construed as an approval 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 Mark E. Rank and in favor of Plaintiff in the amount of \$1,565.00.

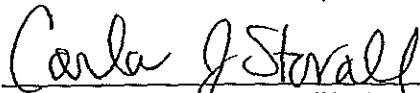
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to the Kansas Consumer Protection Act, and the provisions of K.S.A. 50-632(b), the Court hereby approves the terms of the Consent Judgment and adopts the same as the Order of the Court.

IT IS SO ORDERED.

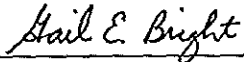


Judge of the District Court

PREPARED AND APPROVED BY:

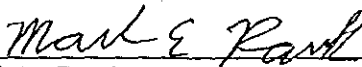


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Attorney General



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APPROVED BY:



Mark E. Rank
P.O. Box 13
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Defendant