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IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
Division 4

STATE OF KANSAS, ex rel.
ROBERT T. STEPHAN, Attorney General,

Plaintiff,

vs.

ANDREW D. AGUIRRE d/b/a A & A
FIRE & SAFETY,

Defendant.

Case No. 92 C 8217

JOURNAL ENTRY OF CONSENT JUDGMENT

NOW on this _____ day of _____, 1993, the motion for approval of consent judgment comes on for hearing. The State of Kansas, ex rel. Robert T. Stephan, Attorney General, appears by and through David C. Wetzler, Assistant Attorney General. The defendant Andrew D. Aguirre d/b/a A & A Fire & Safety appears on his own behalf.

Whereupon, in lieu of continuing this action and for the purpose of settling this dispute, the parties advise the court they have entered into a consent judgment pursuant to K.S.A. 1992 Supp. 50-632(b) and agree to the following matters:

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CLERK OF DISTRICT COURT
JOHNSON COUNTY, KS.

1) Defendant Aguirre enters his voluntary appearance and admits the court has jurisdiction over him for purposes of enforcement and/or modification of this consent judgment.

2) Robert T. Stephan is the Attorney General of the State of Kansas.

3) Defendant Aguirre admits the allegations set forth in plaintiff's petition are true and correct and specifically admits that he serviced portable fire extinguishers in the State of Kansas without first being certified by the Kansas State Fire Marshal.

4) Defendant Aguirre agrees the terms of this consent judgment shall apply to him, his agents, employees, successors, assigns or representatives.

5) Defendant Aguirre agrees to refrain from and to be enjoined from servicing portable fire extinguishers in the State of Kansas without first being certified by the Kansas State Fire Marshal.

6) Defendant Aguirre agrees to pay the Attorney General of the State of Kansas \$750.00 for reasonable expenses and investigative costs incurred by the Attorney General in this matter. Such payment shall be paid by certified check within five (5) business days of the date of the court's approval of this consent judgment.

7) Defendant Aguirre agrees to pay a civil penalty of four hundred dollars (\$400.00) for each of the six violations of the Kansas Consumer Protection Act for a total of two-thousand

four-hundred dollars (\$2,400.00) in civil penalties. The terms of payment of the civil penalties shall be as follows:

- A) Beginning the month following the date of the court's approval of this consent judgment, Aguirre agrees to pay \$100.00 on or before the 5th day of each month for 24 months.
- B) Each payment shall be made by certified check, payable to the State of Kansas, and payments shall be delivered to plaintiff's counsel on or before the date specified in paragraph 7(a).
- C) In the event Aguirre fails to make payment as required by the terms of paragraph 7, the total amount remaining shall be immediately due and owing and shall be subject to interest at a rate prescribed by K.S.A. 16-204 and amendments thereto. Additionally, defendant Aguirre agrees to pay reasonable attorneys fees and court costs associated with any collection effort required to collect the remaining amounts owed the State of Kansas.

8) Defendant Aguirre understands that upon entry of this consent judgment, any willful violation of the terms of this consent judgment by Aguirre is punishable by civil penalty of not more than \$10,000.00 per violation, in addition to other penalties that may be imposed by the court, as the court shall deem necessary and proper.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the stipulations and agreements of the parties contained herein are adopted and approved as the findings of the court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to K.S.A. 1992 Supp. 50-632(b), the court hereby approves the terms of this consent judgment and adopts the same as the order of the court.

IT IS SO ORDERED.

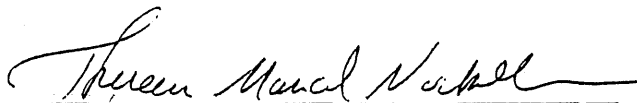
Entered this 26 day of April, 1993.

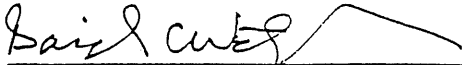
GERALD T. ELLIOTT

DISTRICT COURT JUDGE

Approved by:

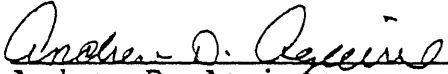

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Attorneys for plaintiff



Andrew D. Aguirre
d/b/a A & A Fire & Safety

Defendant