

94-001 Collection

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FINAL.CJ/KATHYG/MIRAGE

APP.

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COPY

CLERK OF COURT
18TH JUDICIAL DISTRICT
SEDGWICK COUNTY, KANSAS
BY AS

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS
CIVIL DIVISION

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

Plaintiff,

vs.

GARY WILLIAM DEAN BUTLER; AND,
HEATHER R. BUTLER

Defendants.

Case No. 93C 03090

Pursuant to K.S.A. Chapter 60

JOURNAL ENTRY OF CONSENT JUDGMENT

NOW on this 16th day of June, 1994, the plaintiff's petition for approval of consent judgment comes before the court for consideration under K.S.A. 1993 Supp. 50-632(b). The State of Kansas ex rel. Robert T. Stephan, Attorney General, appears by and through Kathy Greenlee, Assistant Attorney General. The defendants appear by and through Randall Henry of Mitchell and Henry.

Whereupon, the parties advise the court that they have stipulated and agreed to the following matters:

1. Robert T. Stephan is the Attorney General of the State of Kansas.

2. Defendants are individuals who have done business in Kansas as Mirage Graphics. The defendants admit the court has jurisdiction over the parties and the subject matter.

3. The Attorney General alleges that certain acts and practices by the defendants are violations of the Kansas consumer protection act and the Kansas charitable organizations and solicitations act.

4. The defendants voluntarily agree to this consent judgment without admitting liability and without trial or adjudication of any issue of fact or law.

5. The defendants agree to refrain from and to be enjoined from conducting a fundraiser on behalf of a charitable organization without first obtaining written authorization from the charitable organization.

6. The defendants agree to refrain from and to be enjoined from conducting fundraisers and/or transacting business with Kansas educational institutions without first signing a written contract which discloses the material terms of the agreement, including the financial arrangements regarding collection and distribution of money from and to the charitable organization or school.

7. The defendants agree to provide, on or before August 1, 1994, \$3,217.50 in restitution, divided as follows:

- 1) Winfield High School, \$72.50,
- 2) Belle Plaine Middle School, \$260.00,

- 3) Oxford High School, \$30.00,
- 4) Sherman Middle School, Hutchinson, \$252.50,
- 5) Moundridge High School, \$80.00,
- 6) Kingman High School, \$112.50,
- 7) Ulysses High School, \$125.00,
- 8) Maize High School, \$722.50,
- 9) Circle High School, Towanda, \$205.00,
- 10) Fredonia High School, \$202.50,
- 11) Rose Hill High School, \$472.50,
- 12) Remington High School, Whitewater, \$150.00,
- 13) Moundridge Middle School, \$192.50,
- 14) NCR Employees Club, \$340.00.

8. The defendants agree to deliver, on or before August 1, 1994, the shirts ordered by Ulysses High School.

9. The provisions of this consent judgment will be applicable to the defendants, and applicable and available to every employee, agent or representative of the defendants.

10. The defendants agree to make every effort to resolve all complaints received by the Attorney General within six months of the date of this consent judgment. Defendants shall apprise the State of Kansas, through the plaintiff, in a simple and concise manner, of the disposition of those complaints and disputes within thirty (30) days after being resolved.

11. The defendant shall not enter into, form, organize or reorganize into any partnership, corporation, sole proprietorship

or any other legal structures, for the purpose of avoiding compliance with the terms of this consent judgment.

12. The defendant agrees to pay on or before August 1, 1994, \$2,000 in investigation fees and expenses to the Attorney General of the State of Kansas and \$1,500 civil penalty to the State of Kansas. Payment will be made by certified check.

13. The defendant agrees to allow the Attorney General to inspect relevant business records in the future.

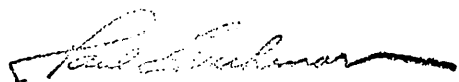
14. The defendant agrees to pay all court costs and filing fees.

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 the court.

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 THEREFORE ORDERED, ADJUDGED AND DECREED that the defendant will pay all court costs and filing fees.

IT IS SO ORDERED.

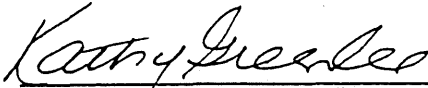


DISTRICT COURT JUDGE

Approved by:

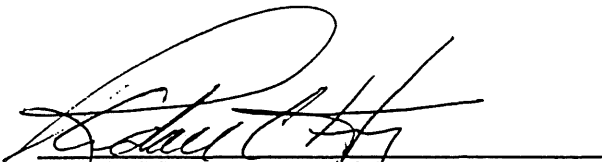


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