

93-021

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
Division 11

STATE OF KANSAS, ex rel.)
 CARLA J. STOVALL, Attorney General,)
)
 Plaintiff,)
)
 vs.)
)
 JOHN CHEZIK HOMERUN, INC.)
)
 Defendant.)

Case No. 93-CV-1356

pd.

FILED
 DISTRICT COURT
 SHAWNEE COUNTY
 KANSAS
 MAY 3 11 27 AM '95

JOURNAL ENTRY OF CONSENT JUDGMENT

NOW on this ____ day of May 1995, the State's motion 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 Martin J. Peck, Assistant Attorney General. Defendant appears both personally and by and through Sharon Kennedy, Ensz & Jester.

WHEREUPON, the parties advise the court that they have stipulated and agreed as follows:

1. Defendant is a Missouri corporation. Defendant's business is located at 3910 North Oak, Kansas City, Missouri. The defendant enters its voluntary general appearance for purposes of this action only.
2. Defendant sells and leases new and used automobiles.
3. Defendant advertises its business in newspapers.
4. On June 26 and 27, 1993, the defendant ran the advertisement attached as Exhibit A in the *Kansas City Star*.

5. Defendant's ad stated "Today thru Monday 20% off every new Honda in stock at John Chezik Honda."

6. At the bottom of defendant's advertisement is printed in small type "20% off options." No indication is given as to what the statement relates.

7. The defendant's position is that the statement was meant to indicate that the 20% discount advertised applied only to options on new Hondas, and not to the cars themselves.

8. At least two new Hondas were purchased from defendant from Kansas consumers during the specified days. Both purchasers paid well over defendant's invoice price, with no discount indicated.

9. One of the cars, a 1993 Honda Del Sol SI, was sold with options. The options were sold for the list price.

10. The State alleges that defendant's advertisement is in violation of the Kansas Consumer Protection Act, K.S.A. 50-626(a) as defined by 50-626(b)(2) because defendant willfully used ambiguity as to a material fact.

11. Defendant denies that its acts violated the Kansas Consumer Protection Act, but agrees to this consent judgment in settlement of the State's claims.

12. The provisions of this consent judgment will be applicable to the defendant, and every employee, agent or representative of the defendant.

13. The defendant agrees to make available and/or disclose the provisions of this consent judgment to its employees, agents and representatives.

14. Defendant agrees and is hereby ordered to pay \$1,500.00 in investigative fees to the Kansas Attorney General's Office.

15. Defendant agrees and is hereby ordered to pay \$500.00 in penalties to the State of Kansas.

16. Defendant agrees and is hereby ordered to pay \$500.00 to Big Brothers/Big Sisters of Douglas County.

17. Defendant agrees and is hereby enjoined from violating the Kansas Consumer Protection Act.

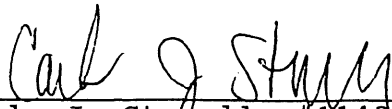
18. Defendant agrees and is hereby ordered to pay costs.

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 orders of the court pursuant to K.S.A. 50-632(b).

SO ORDERED.

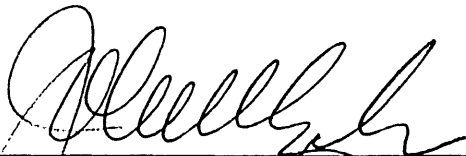
MATTHEW J. DOUD
DISTRICT JUDGE

approved by:



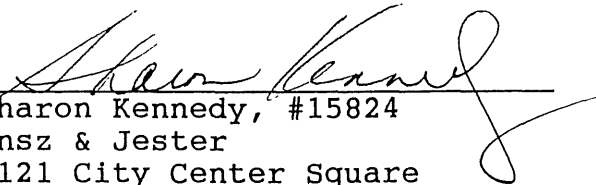
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