2004 ANNUAL REPORT

Consumer Protection & Antitrust Division

Office of Attorney General Phill Kline

(Submitted pursuant to K.S.A. 50-628 and K.S.A. 50-109)

STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION AND ANTITRUST DIVISION

PHILL KLINE
ATTORNEY GENERAL

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March 14, 2006

TO: The Honorable Kathleen Sebelius, Governor
and Members of the Kansas Legislature

I am pleased to submit the following report detailing the recent activities of my Consumer Protection/Antitrust Division pursuant to the directive set forth at KSA 50-628(a)(6).

Year 2004 was dedicated to the continued operation of the Division against the backdrop of the mission that I set my Consumer Protection Division upon soon after taking office in January, 2003. This annual report and the 2005 annual report will demonstrate the significant, substantial and beneficial changes made in the Consumer Protection Division over the past years.

This report is designed to bring focus on the Legislature's Consumer Protection efforts in the latter half of the 2006 session. Find attached to this report a full listing of all Consumer Protection related bills that have been considered by the Legislature in the 2005 and 2006 sessions. This report will address, at least in part, the applicability of some of my Consumer Protection Division's efforts to those matters that have been considered by the Legislature.

Since an operational philosophy is one of the best directives that any executive can hand to those managing the affairs of state, I will once again open this report with the guiding principles governing the Division reporting herein:

PHILOSOPHY AND MISSION STATEMENT OF ATTORNEY GENERAL PHILL KLINE'S CONSUMER PROTECTION/ANTITRUST DIVISION

The Consumer Protection/Antitrust Division strives to promote human dignity through justice with compassion by carrying out its statutory duties under the KCPA with professional excellence and judicious restraint.

- *The Division exists to promote healthy commerce by investigating and taking enforcement action against deceptive, unconscionable and anti-competitive business practices.*

- *The Division strives to minimize the need for such investigations and enforcement action by educating consumers, suppliers and business leaders.*

- *When enforcement action must be taken, the Division vigorously prosecutes violators of the KCPA toward the goal of developing a body of case law that protects Kansans from unscrupulous business practices.*

This mission statement drives the Consumer Protection/Antitrust Division to focus upon true consumer harm and those companies most deserving of enforcement action. Toward that end, the Vulnerable Adults Task Force (VATF) continued to rapidly process the consumer complaints of those who struggle with disabilities and the elderly, in keeping with my directive that the complaints of such individuals be given exacting scrutiny. Changes to the data gathering process in 2004 allow for better tracking of the VATF complaints, a statistical feature that will be prominent in the 2005 Consumer Protection Report.

The Consumer Protection Division recently summed up its myriad categories into twenty core areas in a bid to make this report more helpful to the reader. That summation and collapsing of data reveals the following as to the year under review:

1. We received the most complaints in 2004, a full 17%, in response to concerns about the telecommunications industry. These are, for the most part, No Call complaints and misunderstandings as to billing issues. The most egregious fact patterns are often those related to slamming and cramming complaints. The telecommunications unit of my Consumer Protection Division was reorganized in 2004. This reorganization led to more expedient enforcement filings once KCPA violations were documented. I would specifically direct the reader to the enforcement actions undertaken against the following companies as fine examples of this important work: Advantage Telecommunications, Alltel Communications, Vartec Telecom and Excel Communications, to focus upon only a few. These enforcement actions are described in some detail in the following report. The files on these actions can be reviewed in the offices of the Consumer Protection Division.

2. The automotive sales category generated almost 11% of the complaints received in 2004. About half of these complaints were found, upon an initial review by an assistant attorney general, to contain no viable allegation of a Consumer Protection Act violation. In such instances the Consumer Protection Division did not initiate contact with the supplier, but instead offered the consumer sound problem-solving advice, in keeping with the new

"common sense" paradigm that has been installed in the Consumer Protection Division. Of the 250 complaints that were fully and professionally investigated, most were resolved without enforcement action. Many of the investigated complaints that ripened into enforcement actions focused upon the content of advertisements. Those advertisements that brought about enforcement actions contained blatant misstatements and/or gross exaggeration of facts. The Deputy Attorney General of my Consumer Division released a statement on advertising which was thereafter published by the trade associations that inform auto dealers as the demands of the law in a bid to minimize the need for such enforcement action. My Consumer Protection Division will deliver a copy of the Deputy's statement to anyone who requests the same.

3. One out of every ten complaints received in 2004 fell into the General Services category. One company generated more complaints, by far, than any other in this category. That company was a dating service with offices in Wichita (still) and Overland Park (no longer) that goes by the name Great Expectations. I am proud to say that my Consumer Protection Division took swift and certain action to end Great Expectation's pattern and practice of preying upon the elderly and disabled of Kansas. The general services category also afforded my Consumer Protection Division the opportunity to file suit against other companies that had polluted the stream of Kansas commerce, including, but not limited to Clinton Grim d/b/a Dealer Consultants of North America and Rusty L. Rathbun d/b/a Gold's Gym. The files on these actions can be reviewed in the offices of the Consumer Protection Division.

4. Debt collectors came in fourth in the tally of complaints in 2004. Many of those complaints stated little more than the obvious – that calls from debt collectors are unwanted. More than a few, however, recounted calls that were truly unconscionable in their content. Those answering the telephones and processing the written complaints in my Consumer Protection Division report that debt collection practices have seemly grown more desperate and rude in the past years. The enforcement action my Consumer Protection Division filed against Lucas C. Bishop, Brock Ratzlaff and NCA Corporation is but one example of such desperate debt collection measures. Economists inform us that consumer debt has skyrocketed, making it more likely that the average Kansan will, at some time in their life, cross paths with debt collectors. For that reason my Consumer Protection Division introduced HB 2837 in the current session. This bill was drafted by my Consumer Protection Division and was intended to reform the debt collection practices in the State of Kansas through the creation of a debt collector registry and

through the posting of a bond. The introduction of this bill resulted in immediate and urgent dialogue with the debt collection industry. This dialogue grants the debt collection industry an opportunity to reform itself through the adoption of a best practices model, or, in the alternative, by working with my Consumer Protection Division in drafting a bill which will accomplish the same end.

5. Home improvement complaints accounted for almost 7% of the complaints filed with the Consumer Protection Division in 2004. Many of these complaints do not rise above the threshold of mere negligence or contract law, and thus are not potential KCPA cases. Consumers who filed complaints not cognizable as consumer protection violations were advised to follow the steps set forth in the Division's problem solving brochure. Those steps include writing the contractor, filing with the Better Business Bureau if open communication proves unhelpful and, finally, turning to small claims court or an attorney to seek a judicial remedy. (We had one consumer in 2004 who followed our sage advice and ended up on Texas Justice.) More than a few complaints filed with the Consumer Protection Division in 2004 resulted in enforcement actions. In most instances, such action is taken against contractors who have deigned to ignore consumers, the BBB or the judgments of Kansas courts. Thoughtful bills addressing the responsibilities of contractors are worthy of consideration given the record in the Consumer Protection Division. I would specifically direct the reader to the enforcement actions undertaken against the following companies as fine examples of this important work: Rick Bartlett (d/b/a Bartlett & Sons Construction), Jeff Berroth (d/b/a CPR Services, Showcase Homes, JB's Painting, Custom Painting and Remodeling), Wade Ryan Brown and Mark Tilford (d/b/a Mr. Stitch Upholstery & Tops, Inc., d/b/a MS Interiors, d/b/a Mr. Stitch, Inc.). These enforcement actions are described in some detail in the following report. The files on these actions can be reviewed in the offices of the Consumer Protection Division.

Many other cases from 2004 should be highlighted in this overview, including our successful case against flu vaccine price gouging (State v. Meds-Stat, et. al), our cases against door to door salesmen (such as State v. The Vacuum Company), and a case against an automotive aftermarket warranty company (State v. C.A.R.S Protection Plus, Inc.) that had demonstrated itself unresponsive to Kansas consumers.

It is good to note that our Barton County-filed unauthorized practice of law case against Alicia Morales Phillips has now ripened into legislation that has passed the House and the Senate. Our Consumer Protection liaison for Spanish complaints, Ralf Mondenedo, testified in support of this important bill. Our successful case against Ms. Phillips

demonstrated the need to protect immigrants from con artists who would offer legal services that cannot be delivered, and I urge Governor Sebelius to sign HB 2485 since it is a reasonable response to deceptive and unconscionable acts.

More important than the individual cases is the fact that the consumer investigators, assistant attorneys general and support staff are all diligently serving the citizens of the state in the Consumer Protection Division. Year 2004 witnessed a concerted effort to educate consumers across the State of Kansas. My Consumer Protection Division upgraded the content of speeches, added PowerPoint capability to its speeches and made a fine showing by surveying over 1000 visitors to the 2004 State Fair. The Division presented 108 consumer-education speeches in 2004. A review of the divisional statistics reveals this to be an annual total second only to the 113 speeches presented in 2002.

The Division is now involved in another successful year educating, advocating and taking enforcement action on behalf of all Kansans. These activities are undertaken toward the goal of keeping the stream of commerce flowing through the great State of Kansas pure. I wish to sincerely thank the executive and legislative branches of government for their assistance in this important endeavor.

Sincerely,

Phill Kline
Attorney General

OFFICE OF THE ATTORNEY GENERAL
STATE OF KANSAS
PHILL KLINE
ATTORNEY GENERAL

2004 CONSUMER PROTECTION/ANTITRUST STAFF

	Bryan J. Brown	Deputy Attorney General
*	Kristy L. Hiebert	Assistant Attorney General
	Joseph N. Molina	Assistant Attorney General
	Ruth Ritthaler	Assistant Attorney General
*	Stacy A. Jeffress	Assistant Attorney General
	James R. McCabria	Assistant Attorney General
	Karl R. Hansen	Assistant Attorney General
	Kevin Schumaker	Assistant Attorney General
*	Shelley King	Assistant Attorney General
	Jerry Howland	Special Agent/Lead Consumer
	Erica D. Strome	Special Agent
	Jared M. Reed	Special Agent
	Angela N. Nordhus	Special Agent
*	Judy Jenkins	Special Agent
	Mary Kennedy	Special Agent
	Natalie A. Hogan	Special Agent
	Amber Meseke	Investigator-in-Training
	Michael Aguilar	Consumer Protection Investigator
	Larry Larsen	Consumer Protection Investigator
*	Sarah Elsen	Consumer Specialist
	Sheila Meneses	Special Agent/Litigation Liaison
*	Sarah R. Weeks	Legal Assistant
	Ralf Mondenedo	Paralegal
	Connie Ullman	Secretary
*	Joanne Kensinger	Office Clerk
	Marti Nelson	Office Clerk
	Emilie Burdette	Law Clerk
	Jason Griess	Law Clerk
*	Rebekah Gaston	Law Clerk
*	Emily Havercamp	Law Clerk
	Alicia Perez	Intern

* Served a portion of 2004. No longer with the Consumer Protection Division.

CATEGORIES OF NEW COMPLAINTS

Complaints Filed:	**4,391**
Complaints Closed:	**4,544**
Written Inquiries:	**5,286**
Total Annual Consumer Awarded Restitution:	**$135,015.75**
Total Annual Consumer Savings:	**$374,977.82**

Category	Complaints Assigned to Special Agents	Complaints Processed by Intake Review Committee	Percent of Total
Advertising (general)	40	47	1.98%
Antitrust	13	3	0.36%
Appliances	11	18	0.66%
Assistive Device Lemon Law	0	0	0.00%
Auto	250	231	10.95%
Boats, Boating Equipment, Repairs, etc.	1	8	0.20%
Book, Record & Tape Clubs	3	0	0.07%
Business Opportunity Services	47	28	1.71%
Cable Television	8	13	0.48%
Cemeteries	13	6	0.43%
Charitable Organizations	30	11	0.93%
Clothing	2	4	0.14%
Collectibles/Antiques	1	3	0.09%
Collection	142	214	8.15%
Computers	14	23	0.84%
Computer - Unsolicited e-mail (spamming)	3	25	0.64%
Computer - Internet Gambling	0	0	0.00%
Computer - Internet Sales	33	88	2.76%
Computer - Online Services	46	40	1.96%
Contests/Promotional	7	17	0.55%
Contests/Sweepstakes	19	61	1.82%
Credit	119	137	5.83%
Credit Reporting Agencies	8	27	0.80%
Discount Buying Clubs	8	4	0.27%
Door-To-Door Sales	45	7	1.18%
Education	5	8	0.30%
Employment Services	6	8	0.32%
Energy Savings Devices	0	1	0.02%
Failure to Furnish Merchandise (other than mail order)	1	6	0.16%
Farm Implements/Equipment	8	6	0.32%
Faxes Unsolicited	60	55	2.62%

Category	Complaints Assigned to Special Agents	Complaints Processed by Intake Review Committee	Percent of Total
Fire, Heat & Smoke Alarms	0	0	0.00%
Floor Coverings (carpet, etc.)	1	3	0.09%
Food Products	3	4	0.16%
Funeral Homes and Plans	2	2	0.09%
Furniture	19	18	0.84%
Gasohol & Stills	0	0	0.00%
Gasoline Pricing and Contents	1	3	0.09%
Health Services (doctors, dentists, hospitals, etc.)	16	26	0.96%
Health Spas & Weight Salons	25	7	0.73%
Hearing Aids	3	3	0.14%
Heating & Air Conditioning	3	7	0.23%
Home Construction	7	17	0.55%
Home Improvement	106	133	5.44%
Identity Theft	35	23	1.32%
Invoice & Billing Schemes (noncredit code)	8	7	0.34%
Jewelry	2	5	0.16%
Land Sales/Subdivided KS	0	0	0.00%
Land Resale Companies	0	0	0.00%
Loan Finders	29	20	1.11%
Magazine Subscriptions	36	29	1.48%
Mail Order	77	91	3.83%
Medical Equipment/Devices	13	3	0.36%
Medical Discount Cards	33	9	0.96%
Miscellaneous	4	0	0.09%
Mobile Home Parks	0	2	0.05%
Mobile Homes & Manufactured Homes	10	6	0.36%
Mortgage Escrow Problems	1	2	0.07%
Mortgages	22	27	1.11%
Motorcycles & Bicycles	1	4	0.11%
Moving & Storage	3	15	0.41%
Multi-level & Pyramid Distributorship Co.	18	9	0.61%
Musical Instruments, Lessons, etc.	0	1	0.02%
Negative Selection	16	5	0.48%
No-Call (enforcement actions)	33	8	0.93%
Nurseries, Lawn, Gardening and Landscape Service & Supplies	1	1	0.05%

Category	Complaints Assigned to Special Agents	Complaints Processed by Intake Review Committee	Percent of Total
Nursing Homes	2	1	0.07%
Office Equipment & Supplies	5	4	0.20%
Pest Control	6	4	0.23%
Pets/Animals	13	4	0.39%
Photo Equipment & Services	0	1	0.02%
Photo Studios & Companies	1	1	0.05%
Privacy Issues	1	1	0.05%
Real Estate (houses)	4	10	0.32%
Real Estate (other than houses)	2	4	0.14%
Rebates	28	16	1.00%
Recovery Companies	0	1	0.02%
Referral Selling	2	0	0.05%
Satellite Systems	23	13	0.82%
Scanning Equipment	0	0	0.00%
Securities & Investments (other than stocks & bonds)	4	6	0.23%
Security Systems and Services	34	15	1.12%
Services (general)	138	85	5.08%
Services (professional)	8	29	0.84%
Sewing Machines	0	0	0.00%
Sporting Goods	0	4	0.09%
Steel Buildings	1	2	0.07%
Stereo Equipment	2	0	0.05%
Telephone - 800#s, 900#s and International Calls	16	3	0.43%
Telephone – Cellular Phones and Pager Services	121	81	4.60%
Telephone - Cramming	39	14	1.21%
Telephone Service and Long Distance Carriers	119	62	4.12%
Telephone - Slamming	62	5	1.53%
Telephone - Prepaid Phone Cards	6	3	0.20%
Telephone Solicitations	10	8	0.41%
Telephone Solicitations/General	28	30	1.32%
Televisions and VCR's	2	2	0.09%
Timeshare Sales	6	12	0.41%
Tobacco Sales	0	0	0.00%
Toys	0	0	00.0%
Trade & Correspondence Schools	2	1	0.07%
Travel	26	29	1.25%

Category	Complaints Assigned to Special Agents	Complaints Processed by Intake Review Committee	Percent of Total
Unauthorized Practice of Law	90	5	2.16%
Vending Machines	1	0	0.02%
Warranty Problems (other than automobiles)	22	27	1.12%
Water Softeners, Conditioners, Purifiers, etc.	5	3	0.18%
Work-at-Home Schemes	6	9	0.34%
TOTAL CASES OPENED	2307	2084	100.00%

2004 DISPOSITION OF CLOSED COMPLAINTS

	Complaints Closed	Percent of Total
Inquiry or Information Only	234	5.13%
Referred to Private Attorney	115	2.53%
Referred to County/District Attorney	14	0.31%
Referred to Other State Attorney General	29	0.64%
Referred to Other Kansas Agency	50	1.10%
Referred to Small Claims Court	78	1.72%
Referred to Federal Agency (FTC, Post Office, etc.)	30	0.66%
Money Refunded/Contract Cancelled	606	13.00%
Merchandise Delivered to Consumer	14	0.31%
Repaired/Replaced Product	17	0.37%
Mediation Only - No Savings	146	3.20%
No Reply from Complainant	94	2.07%
Unable to Locate Respondent	54	1.19%
Practice Complained of Discontinued	44	0.97%
Respondent Out of Business	33	0.73%
Refer to other Country	1	0.02%
No Violation	226	4.97%
Insufficient Evidence to Prove Violation	187	4.12%
Complaint Withdrawn	55	1.21%
Unable to Satisfy Complainant - No Further Action	22	0.48%
Other	85	1.87%
No Jurisdiction under KCPA	49	1.08%
No Call - Collection Exemption	1	0.02%
No Call – Affirmative Defense- Business Phone	2	0.44%
Defendant Enjoined	1	0.02%
Defendant Enjoined/Violations Found	1	0.02%
Violations Found	5	0.11%
Consent Judgment	24	0.53%

	Complaints Closed	Percent of Total
Voluntary Compliance Agreement	34	0.75%
Default Judgment	13	0.29%
Cemetery Abandoned	1	0.02%
Other Lawsuit	13	0.29%
IRC - BBB,SCC, Private Counsel	61	1.34%
IRC - BBB &SCC	103	2.27%
IRC - BBB Only	122	2.68%
IRC - Corporation For Profit	52	1.14%
IRC - Copied, No Merit	152	3.35%
IRC - Government Agency	1	0.02%
IRC - No Violation	87	1.91%
IRC - No Resources	41	0.90%
IRC - Copied, Merit	121	2.66%
IRC - No signature	2	0.04%
IRC - More Information	186	4.09%
IRC - Lottery Scam, Condolences	7	0.15%
IRC - Lotteries/Raffles	1	0.02%
IRC - Lottery Scam, Congrats	6	0.13%
IRC - Information Only	187	4.12%
IRC - Homebiz	6	0.13%
IRC - Scam Thanks	141	3.10%
IRC - Please Read	23	0.51%
IRC - Private Counsel	164	3.61%
IRC - Fair Debt, Credit Reporting	25	0.55%
IRC - Good Referral	70	1.54%
IRC – Ebay	54	1.19%
IRC - Criminal	1	0.02%
IRC - Criminal, Civil	6	0.13%
IRC - Fair Debt, Collection Efforts	116	2.55%
IRC – Officials	2	0.04%
IRC – Faxes	111	2.44%
IRC - Bad Referral	113	2.49%
IRC - Junkmail	5	0.11%
IRC – Spam	6	0.13%
IRC - Small Claims Court (Only)	91	2.00%
IRC – Selfhelp, Unauthorized	18	0.40%
IRC – Selfhelp, Letters	144	3.17%
IRC – Selfhelp, Credit	41	0.90%
TOTAL CASES CLOSED	4544	100.00%

SUMMARY OF 2004
CONSUMER PROTECTION ENFORCEMENT ACTIONS

as of December 31, 2004

State vs. Advantage Telecommunications, Corp.

On August 24, 2004, the Attorney General filed a lawsuit against the above company for alleged violations of the KCPA slamming violations. Consumers allege that telemarketers represent they are calling on behalf of Southwestern Bell to verify billing information. The Defendant agreed to pay $25,000.00. (Molina, Meneses)

State vs. Alltel Communications, Inc.

On October 29, 2004, the Attorney General filed a lawsuit against Alltel Communications, Inc. for various alleged violations of the KCPA related to the provision of cellular phone service. The Respondent agreed to pay $5,000.00. (Molina, Reed)

State vs. American Enterprises International, Inc., Francisco Rodriquez, Imperial Ware d/b/a Life Time, I.W.C. Finance Inc.

On December 6, 2004, the Attorney General filed a petition against this company for alleged violations of the KCPA related to unconscionable business practices related to the door-to-door solicitation laws. This case is schedule for trial.
(Brown, Mondonedo, Howland)

State vs. Applied Integrated Solutions, Inc.

On May 18, 2004, the Attorney General filed a petition to enforce a subpoena request against the above company. This company is alleged to have violated the KCPA by charging fees disallowed by the statue. Default Judgment has been granted prohibiting this company from doing business in Kansas. (Schumaker, Hogan)

State vs. Rick Bartlett, d/b/a Bartlett & Sons Construction

On December 29, 2004, the Attorney General filed a lawsuit with Rick Bartlett, d/b/a Bartlett & Sons Construction for alleged violations of the KCPA related to deceptive business practices. This case is pending. (Ritthaler, Howland)

State vs. Jeff Berroth d/b/a CPR Services, Showcase Homes, JB's Painting, Custom Painting and Remodeling

On September 2, 2004, the Attorney General filed a lawsuit against this individual and his companies for alleged violations of the KCPA related to deceptive and unconscionable business practices. This case is pending. (McCabria, Howland)

State vs. Richard L. Berry d/b/a Clov Lan Farms, LLC.

On September 2, 2004, the Attorney General filed a lawsuit against Richard L. Berry d/b/a Clov Lan Farms, LLC for alleged violations of the KCPA related to deceptive business practices. This case is pending. (Brown, Strome)

State vs. Lucas C. Bishop, Individually and Brock Ratzlaff, Individually and NCA, Corp.

On December 27, 2004, the Attorney General filed a lawsuit against Lucas C. Bishop, Individually and Brock Ratzlaff, Individually and NCA Corp. for alleged violations of the KCPA related to deceptive and unconscionable business practices. This case is pending. (Schumaker, Hogan)

State vs. Wade Ryan Brown

On September 22, 2003, the Attorney General filed a lawsuit against this individual for unconscionable business practices. The Attorney General alleges that Defendant Brown enters into contracts and accepts payment for services that he knows or has reason to know he will not perform. The case is pending. (Schumaker, Howland)

State vs. C.A.R.S Protection Plus, Inc.

On June 28, 2004, the Attorney General filed a lawsuit against C.A.R.S. Protection Plus, Inc. (Complete Auto Repair Services, Inc) for deceptive or unconscionable practices on extended automotives warranties. This case is pending. (Brown, Nordhus, Larsen)

In the Matter of Cellco Partnership d/b/a Verizon Wireless

On July 21, 2004, the Attorney General along with 31 other states entered into an Assurance of Voluntary Compliance with Cello Partnership, d/b/a Verizon Wireless, for advertising and marketing issues. The Respondent agreed to pay $1,666,667.00 to the states, of which $106,666.66 has been paid to Kansas. (Molina, Reed)

In the Matter of Cingular Wireless, LLC

On July 21, 2004, the Attorney General along with 31 other states entered into an Assurance of Voluntary Compliance with Cingular Wireless, LLC for advertising and marketing issues. The Respondent agreed to pay $1,666,667.00 to the states, of which $106,666.66 has been paid to Kansas. (Molina, Reed)

State vs. Michael C. Cooper and Ed Cooper

On July 31, 2003, the Attorney General filed a lawsuit against Michael C. Cooper and Ed Cooper for alleged violations of a temporary restraining order. The case is pending. (Brown, Nordhus)

State vs. Michael Cooper, Renaissance TTP, Inc., d/b/a The Tax People.net, d/b/a Advantage International Marketing (AIM)

The appellate work on this case is complete. We are awaiting action on remand. (Brown, Schumaker, Molina, Nordhus)

State vs. CTI Business Management Systems, LLC

On August 19, 2004, the Attorney General filed a lawsuit against CTI Business Management Systems, LLC for alleged violations of the KCPA concerning unfair and

deceptive trade practices. This suite alleges that CTI Business Management Systems, LLC sold a consumer an automatic dialing and voice message system without disclosing that the use of such equipment would likely violate Kansas law. This case is pending. (McCabria, Hogan)

In the Matter of Dick Edwards Auto Center, Inc. d/b/a Dick Edwards Auto Center-Clay Center

On February 12, 2004, the Attorney General entered into an Assurance of Voluntary Compliance with Dick Edwards Auto Center, Inc., d/b/a Dick Edwards Auto Center – Clay Center for alleged violations of the KCPA. The Attorney General alleged that Respondent had failed to disclose hail damage, failed to deliver the title of the vehicle to the consumer within thirty days, and used deceptive advertising. The Respondent agreed to pay $19,318.61 in consumer restitution and $5,000.00 in civil penalties and investigative fees. (McCabria, Nordhus)

State vs. Excaliber Auto Accessories d/b/a Excaliber Motor Sports and Michael J. Jackson, and Individually

On February 11, 2004, the Attorney General filed a lawsuit against Excaliber Auto Accessories and Michael J. Jackson for alleged violations of the KCPA. Mr. Jackson accepted payment for parts and/or accessories and failed to deliver them. The case is pending. (Brown, Nordhus)

State vs. Jerry Shane Fellers

On April 16, 2004, the Attorney General filed a lawsuit against Jerry Shane Fellers, d/b/a Fellers Construction, Co. and Steve Mortell for deceptive and unconscionable business practices in the sale and installation of storm shelters to consumers. A default judgment was entered. (Brown, Howland)

In the Matter of Fenton Motors of El Dorado, Inc.

On October 19, 2004, the Attorney General entered into an Assurance of Voluntary Compliance with Fenton Motors of El Dorado, Inc. for alleged violations of the KCPA, deceptive advertising of a "Bankruptcy " sale that was no different in kind from any other sales event. The Respondent agreed to pay $2,500.00 for civil penalties and investigative fees. (McCabria, Hogan)

State vs. Ford Motor Credit Company, a Delaware Corporation, and Ford Dealers

On June 10, 2004, the Attorney General entered into a Consent Judgment with Ford Motor Credit Company, a Delaware Corporation, and Ford Dealers as part of multi-state action with other state Attorney General's. The Defendant agreed to pay $12,820.51 in civil penalties and investigation fees. (McCabria)

State vs. Clinton Grim d/b/a Dealer Consultants of North America

On January 7, 2004, the Attorney General filed a Petition to enforce Subpoena against Clinton Grim d/b/a Dealer Consultants of North America for alleged violations of the KCPA. Consumers allege that they answered ads in local Kansas papers that appeared to be offering training and employment at local car dealerships. These

consumers were not offered employment once they had completed the training. Default Judgment has been granted. (Schumaker, Hogan)

State vs. J.K. Harris & Company, LLC, J.K. Harris Financial Recovery Systems, LLC

On December 10, 2004, the Attorney General filed a lawsuit against J.K. Harris & Company, LLC, J.K. Harris Financial Recovery Systems, LLC for alleged violations of the KCPA related to deceptive and unconscionable business practices. This case is pending. (Brown, Mondonedo, Reed)

In the Matter of Harshaw Research, Inc.

On August 27, 2004, the Attorney General entered into an Assurance of Voluntary Compliance with Harshaw Research, Inc. for alleged violations of the KCPA related to failure to disclose material information to the consumer concerning costs of the services. The Respondent agreed to pay $5,000.00 in civil penalties and investigative fees. (McCabria, Kennedy)

State vs. Healthcare Advantage, LLC

On July 1, 2004, the Attorney General filed a lawsuit against Healthcare Advantage for alleged violations of the KCPA. The Attorney General alleges that misrepresentations were made by the supplier regarding their medical discount coverage through the programs offered. This case is pending. (Schumaker, Howland)

In the Matter of Help Ministries Incorporated d/b/a Debt Free

On June 4, 2004, the Attorney General entered into an Assurance of Voluntary Compliance with Help Ministries Incorporated d/b/a Debt Free for alleged debt adjusting, a violation of the KCPA. The Respondent entered an Assurance of Voluntary agreeing to comply with the KCPA. (Schumaker, Hogan)

State vs. Richard Dale Hollis, an Individual

On February 10, 2004, the Attorney General filed a lawsuit against Richard Dale Hollis for alleged violations of the KCPA and the unauthorized practice of law. The Attorney General alleges that Respondent was giving legal advice to consumers, when he did not have a Juris Doctorate degree, or was otherwise qualified to give legal advice and failed to disclose these facts to consumers. Motion for Default Judgment has been granted. (McCabria, Reed)

In the Matter of Holthaus Motors, Inc.

On January 30, 2004, the Attorney General entered into an Assurance of Voluntary Compliance with Holthaus Motors, Inc. for alleged violations of the KCPA, deceptive advertising of a "Bankruptcy" sale that was no different in kind from any other sales event. The Respondent agreed to pay $500.00 in civil penalties and investigative fees. (McCabria, Hogan)

In the Matter of JMW Financial

On September 14, 2004, the Attorney General filed a lawsuit against JMW Financial for alleged violations of the KCPA pertaining to newspaper ads that offered "government jobs" that were merely work-at-home schemes. This case is pending. (McCabria, Howland)

In the Matter of Kansas Gas Service a Division of ONEOK, Inc.

On December 1, 2004, the Attorney General entered into an Assurance of Voluntary Compliance with Kansas Gas Service a Division of ONEOK, Inc. for alleged violations of the KCPA concerning the way the supplier advertised a special program to consumers in the marketing of its product. The Kansas Attorney General alleged that the advertising failed to disclose certain material facts as to penalties and early termination fees. The Respondent agreed to pay $103.24 in restitution and $1,000.00 in civil penalties and investigation fees. (McCabria, Kennedy)

In the Matter of Kenny Thomas Enterprises, Inc., d/b/a Olathe Toyota, a Kansas Corporation

On August 19, 2004, the Attorney General entered into an Assurance of Voluntary Compliance with Kenny Thomas Enterprises, Inc., d/b/a Olathe Toyota, a Kansas Corporation for alleged violations of the KCPA in false advertising that represented there was a sale event prompted by the loss of a "fleet account" when the event was just a standard sale. The Respondent agreed to pay $10,000.00 in civil penalties and investigation fees. (McCabria, Hogan)

In the Matter of Kris, Inc., d/b/a KC Group LLC, d/b/a Orkin Pest Control

On June 22, 2004, the Attorney General entered into an Assurance of Voluntary Compliance with Kris, Inc., d/b/a KC Group, LLC, d/b/a Orkin Pest Control for alleged violations of KCPA by failing to provide a 3-day right to cancel. The Respondent agreed to pay $1,250.00 in civil penalties and investigative fees. (Schumaker, Hogan)

State vs. Laird Noller of Hutchinson, Inc.

On April 29, 2004, the Attorney General entered into a Consent Judgment with Laird Noller of Hutchinson, Inc. for alleged violations of the KCPA for failure to disclose information to the consumer about past damage to her vehicle. The defendant agreed to pay $4,543.56 in consumer restitution and $3,000.00 in civil penalties and investigation fees. (McCabria, Nordhus)

State vs. Liberty Online Services, Inc., National Online Services, Inc. (Epixtar Corporation)

On August 10, 2004, the Attorney General entered into a Consent Judgment with the Defendants for alleged violations of cramming internet services on consumers' phone bills. The Defendant agreed to pay $10,000.00. (Molina, Reed)

State vs. Steven Joseph Lotzer, Individually, Edward J. Jennings, AKA Ed Jennings, Individually, Edward Ted McDonald, AKA Ted McDonald AKA Ted Jennings, Individually and John Jennings, Individually

On December 28, 2004, the Attorney General filed a lawsuit with this company for alleged unconscionable business practices in violations of the "door-to-door" solicitation laws under the KCPA. This case is pending. (Ritthaler, Howland)

State vs. Cisco James Mason, Individually

On June 29, 2004, the Attorney General filed a lawsuit against Cisco James Mason, for alleged violations of the KCPA relating to the 3-day right-to-cancel, unconscionable pricing and no material benefit. This case is pending (Ritthaler, Howland)

State vs. Meds-Stat, ASAP Meds, Inc., Gulf Components Holding Co, Augustus Rainy, and John and Jane Does

On October 12, 2004, the Attorney General entered an Assurance of Voluntary Compliance with Meds-Stat for alleged violations of the KCPA relating to price gouging on flu vaccines. The Respondent agreed to pay $2,500.00 in civil penalties and investigative fees. (Brown, Howland)

In the Matter of Russell Miller, d/b/a Miller Motors

On May 3, 2004, the Attorney General entered into an Assurance of Voluntary Compliance with Russell Miller, d/b/a Miller Motors for alleged violations of the KCPA related to failure to disclose that defective tires were used on automobiles for sale to consumers. The Respondent agreed to pay $3,366.00 for consumer restitution and $20,000.00 for civil penalties and investigative fees. (Schumaker, Nordhus)

In the Matter of MLT, Inc.

On August 9, 2004, the Attorney General entered into an Assurance of Voluntary Compliance with MLT, Inc. for deceptive and/or misleading advertising of automobiles. The Respondent agreed to pay $2,500.00 in civil penalties and investigative fees. (McCabria, Hogan)

In the Matter of Sherry Moran, d/b/a DocuPrep USA

On November 30, 2004, the Attorney General entered into an Assurance of Voluntary Compliance with Sherry Moran, d/b/a DocuPrep USA for alleged violations of the KCPA related to Unauthorized Practice of Law. The Respondent agreed to execute an AVC refraining from offering legal advice. (McCabria, Reed)

In the Matter of NCO Financial Systems, Inc.

On October 29, 2004 the Attorney General entered into an Assurance of Voluntary Compliance with NCO Financial Systems, Inc. for alleged violations of the KCPA. The Respondent Agreed to pay $30,000.00. (Schumaker, Hogan)

State vs. North American Affinity Clubs, Inc., d/b/a National Home Gardening Club

On December 15, 2004, the Attorney General entered into a lawsuit against North American Affinity Clubs, Inc., d/b/a National Home Gardening Club for violations of the KCPA regarding the mailing of solicitations labeled "Invoices". This case is pending. (Schumaker,Hogan)

In the Matter of North Larsen Motors, Inc

On May 10, 2004, the Attorney General entered into an Assurance of Voluntary Compliance with North Larsen Motors, Inc. for violations of the KCPA relating to advertising that contained misleading representations as to a "Bankruptcy" sale that was no different in kind from any other sales event. The Respondent agreed to pay $5,000.00 in civil penalties and investigative fees. (McCabria, Nordhus)

State vs. Omaha Truck Center, Inc., a Nebraska Corporation d/b/a Kansas Truck Center

On May 28, 2004, the Attorney General entered into a Consent Judgment with Omaha Truck Center, Inc., a Nebraska Corporation d/b/a Kansas Truck Center for alleged violations of the KCPA pertaining to excluding implied warranties. The Defendant agreed to pay $15,000.00 in civil penalties and investigative fees. (McCabria, Nordhus)

In the Matter of Phalen Motors, Inc.

On July 30, 2004, the Attorney General entered into an Assurance of Voluntary Compliance with Phalen Motors, Inc. for alleged violations of the KCPA related to deceptive advertising as to a "Bankruptcy" sale that was no different in kind from any other sales event. The Respondent agreed to pay $4,000.00 in civil penalties and investigative fees. (McCabria, Hogan)

State vs. Alicia Morales-Phillips

On February 10, 2004, the Attorney General filed a lawsuit against Alicia Morales-Phillips for alleged violations of the KCPA relating to the unauthorized practice of law. Ms. Morales-Phillips was representing herself to immigrants as an attorney, when she does not have a Juris Doctorate degree. 75 consumers have applied for restitution. Default Judgment has been granted. (Brown, Mondonedo, Reed)

State vs. Rusty L. Rathbun d/b/a Gold's Gym, LTD & R, LLC

On August 25, 2004, the Attorney General filed a lawsuit against Rusty Rathbun d/b/a Gold's Gym for violations of the KCPA. Although this fitness club was not officially associated with the nationally known chain of Gold's Gyms, it used that company's name and logo. It also continued to assess annual fees until a few months before it went out of business and has failed to refund consumers. This case is pending. (Brown, Hogan)

State vs. Robert Blackford Consultants, Inc., Robert Blackford, an Individual

On June 3, 2004, the Attorney General filed a lawsuit against this individual and company for deceptive and unconscionable business practices. Consumers complain

they did not receive claim payments from the company that they contracted with to process their claims for defective home siding in a class-action lawsuit. Blackford has been indicted. This case is pending. (Brown, Howland)

State vs. Charles Robinson, Individually and d/b/a The Vacuum Company

On March 2, 2004, the Attorney General filed a lawsuit against Charles Robinson, individually and d/b/a The Vacuum Company for deceptive and unconscionable business practices in the door-to-door sale of vacuum cleaners. This case is pending. (McCabria, Howland)

State vs. David Scott d/b/a Slanted Fedora Entertainment

On September 19, 2003, the Attorney General filed a Petition alleging 27 violations of the KCPA. This Kansas company organizes and promotes Star Trek and science fiction related conventions across the country. Allegations include misrepresentations as to which stars will appear at the conventions, failure to comply with refund policies and charging consumers' credit or debit cards without authorization. Defendants filed a motion seeking to dismiss several of the counts as they were not pled with specificity. Pursuant to the Court's ruling, the petition was amended on January 9, 2004. The amended petition contains 120 pages, over 1000 paragraphs, and 67 allegations of KCPA violations. A second amended petition was filed April 8, 2004, containing 80 allegations of KCPA violations. The case is still pending. (Schumaker, Strome)

In the Matter of Sprint Spectrum, L.P.

On July 21, 2004, the Attorney General along with 31 other states entered into an Assurance of Voluntary Compliance with Sprint Spectrum, L.P. for advertising and marketing issues. The Respondent agreed to pay $1,666,667.00 to the states, of which $106,666.66 has been paid to Kansas. (Molina, Reed)

State vs. Steakhouse Quality Meats Inc., d/b/a Steakhouse Meats, Reem Khashou, Rodney Creighton, and Clayton Simpson

On May 8, 2003, the Attorney General filed a lawsuit against this company for violations of the KCPA relating to "price per pound" and "door-to-door" solicitation violations and violations of the Judgment entered into on October 22, 1998, against its predecessor America's Choice Steak, Inc. and Rodney Creighton. The case is pending. (McCabria, Kennedy)

State vs. Summit Consulting, Inc.

On May 21, 2004, the Attorney General filed a lawsuit against Summit Consulting for allegedly violating the KCPA with respect to a work-at home scheme that failed to disclose material facts as to the requirements for completing or being able to perform the work and for misrepresenting the income to be realized from the scheme. The Defendant agreed to a Consent Judgment, $6,693.00 in restitution to consumer and $1,500.00 in civil penalties and investigation fees. (McCabria, Howland)

State vs. John Arlen Swartz, Individually, Gene Williams, Individually and John Doe, Individually

On February 2, 2004, the Attorney General filed a lawsuit against the individuals listed above for violations of the KCPA regarding deceptive acts and practices. Default Judgment has been granted. (Schumaker, Howland)

State vs. Mark Tilford, Individually, and d/b/a Mr. Stitch Upholstery & Tops, Inc., d/b/a MS Interiors, d/b/a Mr. Stitch, Inc.

On March 11, 2003, the Attorney General filed a lawsuit against this company for unconscionable business practices. The Defendant entered into a contract representing that custom remodeling services had been performed and required payment for the same, when in truth the payments were not applied for that purpose and consumers received no benefit for the services or payment. Judgment was entered against Defendant after a bench trial finding violations of the KCPA. Restitution to the consumer and civil penalties were entered. (McCabria, Howland)

State vs. Valentine Wichita, LLC d/b/a Great Expectations, Valentine Kansas City, LLC d/b/a Great Expectations, Michael Holland, an Individual, Robert Rance, an Individual, Nikki Sade, an Individual, Shelley Sade, an Individual, Christina Morgan, an Individual, Jody Johnson, an Individual, Jules Seelen, an Individual

On February 13, 2004, the Attorney General filed a lawsuit against the above company and individuals for alleged violations of the KCPA. The Attorney General allege that Defendants use oppressive, deceptive and one-sided contracts, make use of deceptive statements about services it offers and fail to disclose and/or misrepresent the cost of the services. The case is pending. (McCabria, Kennedy)

State vs. Vartec Telecom, Inc., Excel Communications, Inc.

On November 2, 2004, the Attorney General entered in to a Consent Judgment with Vartec Telecom, Inc., Excel Communications, Inc. for alleged violations of the KCPA for failure to provide refunds to consumers of their credit balances after switching away from Vartec Telecom, Inc. The Defendant agreed to pay $40,000.00. (Molina, Reed)

State vs. VisionTel Communications, LLC

On April 7, 2004, the Attorney General, entered into a Consent Judgment with VisionTel Communications, LLC for alleged KCPA violations related to deceptive advertising. The Defendant agreed to be permanently enjoined from advertising healthcare cards with proper disclosures. (Jeffress, Hogan)

In the Matter of Warner Lambert Company LLC

On June 9, 2004, the Attorney General along with 49 other states entered into an Assurance of Voluntary Compliance with Warner-Lambert Company, LLC for alleged violations of promotional and marketing practices. The Respondent agreed to pay $28,000,000.00 to the states, of which $285,006.17 was paid to Kansas. (Jeffress)

State vs. Jerry Washburn, Individually, and Jerry Washburn, d/b/a Affordable Asphalt Maintenance

On March 19, 2003, the Attorney General filed a lawsuit against this individual and company for alleged unconscionable business practices in violation of the "door-to-door" solicitation laws. Defendant Washburn entered into a contract and accepted payment for services without providing the notice of 3-day right-to-cancel. The case was tried to the Court on October 13, 2004, and is awaiting ruling from the district court. (McCabria, Howland)

State vs. Eddie Wright d/b/a Wright Independent Services

On April 6, 2004, the Attorney General filed a lawsuit against Eddie Wright, d/b/a Wright Independent Services for unconscionable business practices. The Attorney General alleged that the Defendant took advantage of an elderly consumer's inability to reasonably protect her interests because of her physical and/or mental infirmity and induced her to enter into a consumer transaction for minor home improvement projects that was excessively one-sided in favor of the Defendant. The case is pending. (Schumaker, Howland)

In the Matter of YP Corp. d/b/a Y.P. Net, Inc.

On November 16, 2004, the Attorney General entered into an Assurance of Voluntary Compliance with YP Corp., d/b/a Y.P. Net, Inc. for alleged violations of the KCPA when it employed checks to add supplemental telecommunication services to Kansas consumers' accounts. The Respondent agreed to pay $10,000.00 pursuant to KSA 50-632. (Molina, Reed)

CONCLUSION

as of December 31, 2004

The above enforcement actions taken by the Consumer Protection Division reflect the priority that the Office of Attorney General Phill Kline has in protecting Kansas consumers from deceptive and unconscionable business practices. Strong, yet fair enforcement of consumer laws, combined with effective consumer education efforts, provides the level of protection to Kansas consumers mandated by the Kansas Legislature under the KCPA.

SUMMARY OF 2004 ANTITRUST ENFORCEMENT ACTIONS

State of Kansas ex rel. vs. Abbott Laboratories Inc., Geneva Pharmaceuticals, Inc., and IVAX Pharmaceuticals, Inc., formerly known as Zenith Goldline Pharmaceuticals, Inc.

On September 27, 2001, Kansas joined Florida and Colorado in filing a complaint against Abbott Laboratories, Geneva Pharmaceuticals, Inc and IVAX Pharmaceuticals.

The case involves the drug Hytrin, a brand-name drug manufactured by Abbott that is prescribed for the treatment of hypertension and benign prostatic hyperplasia ("BPH"). The complaint alleges that certain conduct by these companies prevented generic versions of Hytrin from coming to the market and that this conduct violates the antitrust laws of the United States and Kansas. A settlement has been reached with IVAX Pharmaceuticals. The case involving Abbot Laboratories, Inc. and Geneva Pharmaceuticals, Inc. is still pending.

State of Missouri, State of Arkansas, State of Kansas, State of Illinois, State of Iowa and State of Texas, Plaintiffs vs. Arch Coal, Inc., New Vulcan Coal Holdings, LLC, and Triton Coal Company, LLC., Defendants.

The State of Kansas, along with five other affected states, sued in Federal District Court seeking an injunction to stop the acquisition of Triton Coal Co. by Arch Coal, Inc. The six plaintiff states represent the largest purchasers of coal from the region in question. The coal industry is highly consolidated, and within the Wyoming Southern Powder River Basin, even more so. The removal of Triton from the Southern Powder River Basin would concentrate 100% of 8800 Btu coal in the hands of only three producers, and concentrate 86% of the 8400 Btu coal in that region. Kansas utilities purchase more than 96% of the state's coal needs from this region. Price increases for coal resulting from a shrinking competitive market would be passed along in the form of higher utility costs to Kansas residents, businesses, and industrial electric ratepayers. The matter was heard in June and early July, 2004. The court is denied the requested preliminary injunction. However, the case may be subject to additional federal action in the future.

Fatema Azizian, et al. vs. Federated Department Stores, Inc., et al.

This matter is a private class action alleging collusion and price fixing in the cosmetics industry. The settlement in this case is questionable and as presented, the true value of the settlement to consumers cannot be determined. There are also concerns with regard to proper notice to consumers. The State of Kansas along with ten other states have filed an objection to the settlement on behalf of consumers in their respective states. The parties have preliminarily agreed to much needed improvements to the settlement, including improved product selection for distribution to the affected class, as well as improved methods of notice. Final disposition of the matter is pending.

State of Kansas ex rel. vs. BMG Music, Bertelsmann Music Group Inc., Capitol Records Inc., d/b/a EMI Music Distribution, Virgin Records America Inc., Priority Records, L.L.C., MTS Inc., d/b/a Tower Records, Musicland Stores Corporation, Sony Music Entertainment, Inc., Trans World Entertainment Corporation, Universal Music Group, Inc., Universal Music & Video Distribution Corp., UMG Recordings Inc., Warner-Elektra-Atlantic Corp., Warner Music Group Inc., Warner Bros. Records Inc., Atlantic Recording Corp., Elektra Entertainment Group Inc., and Rhino Entertainment Co.

On August 8, 2000, the Attorney General, along with 41 other states and three territories, filed suit in the United States District Court for the Southern District of New York, against the nation's largest distributors of recorded music, affiliated labels and

various retailers for price fixing. Also named were retail giants Musicland, which operates more than 1,300 retail outlets under the Musicland and Sam Goody trade names, Trans World, which operates more than 900 stores under the names Camelot, FYE, Music & Movies, Planet Music, Record Town, Saturday Matinee, Spec's Music, Strawberries and the Wall, and MTS Inc. (doing business as Tower Records.) The complaint further targets unnamed co-conspirators "both known and unknown" and calls for the awarding of triple damages to consumers and the assessment of civil penalties against the companies. The complaint alleges that in the early 1990's, recorded music outlets such as Best Buy, Circuit City and Target began to offer stiff competition to mall-based music stores. The Defendants are accused of engaging in an unlawful scheme designed primarily to stop retail outlets from offering music at deep discounts. The parties have agreed to a settlement which included a cash payment of $13.86 to consumers who made a timely claim, and a contribution of music CD's to the States. Kansas share of the CD's has been distributed to its public libraries. Distribution of residual monies, if any, will likely occur during 2005.

***State of Kansas ex rel. vs. Bristol-Myers Squibb Co. ("BMS")*, (Taxol)**

Kansas, along with a group of 28 other states, the District of Columbia, Puerto Rico, and the Virgin Islands joined together in the multi-state action that accuses Bristol of acting illegally to keep the cheaper, generic version of Taxol off the market. Suit was filed in the United States District Court for the District of Columbia.

The lawsuit alleges that Bristol knowingly manipulated the US Patent and Trademark Office process by fraudulently securing patents that had no legal validity, which prevented generic drug manufacturers from entering the marketplace until 2000. Bristol's sales of Taxol have totaled at least $5.4 billion since 1998. A standard course of treatment using the name brand drug can cost between $6,000 and $10,000 per patient. A settlement has been reached. Consumers will be paid based upon claims submitted, averaging $500.00 each. Proceeds of $260,000.00 recovered for state agencies and Medicaid. Further, it was negotiated for the University of Kansas Medical Center to be eligible for participation in a program that provides for the distribution o free Taxol doses for the treatment of underinsured cancer victims. Additional residual monies earmarked for certain charities are projected to be distributed during 2005.

State of Kansas ex rel. vs. Bristol-Myers Squibb Co., Danbury Pharmacal, Inc., and Watson Pharma, Inc. (In Re Buspirone Antitrust Litigation)

This case was first filed by thirty-two states in December, 2001, in the federal district court for the Southern District of New York. Kansas joined the multistate suit in April, 2002. The case involves the anti-anxiety drug BuSpar, which is Bristol Myers Squibb Co.'s name for buspirone. The states' complaint alleged that Bristol-Myers Squibb Co. fraudulently listed its patent for BuSpar in the FDA's Orange Book and that Bristol-Myers Squibb Co. entered into anticompetitive agreements with two companies to prevent distribution of generic buspirone. A settlement has been reached resulting in payments to consumers based upon claims submitted. Consumer claims were paid first. State agencies, including Medicaid, recovered approximately $650,000.

State of Kansas ex rel. vs. Cardizem

On July 2, 2001, this action was brought by the Attorney General, along with Attorneys General of 26 other states, seeking relief for a series of anti-competitive and illegal acts by which Defendants sought to delay or prevent the marketing of less expensive, generic alternatives to Cardizem CD, a highly profitable, brand-name drug for treatment of chronic chest pains, high blood pressure, and prevention of heart attacks. The parties have agreed to a settlement which has been approved by the court, but has been contested by one objector. Once the objection is settled, proceeds will be distributed.

State of Ohio, et al. vs. The Hearst Trust, et al.

First Data Bank (owned by Hearst), and Medi-Span, Inc. were competitors in the field of electronic drug information databases. First Data Bank acquired Medi-Span in 1998. The FTC has since investigated and determined that the combination gave First Data Bank an illegal monopoly. The FTC and Hearst finally reached a settlement on behalf of non-governmental consumers, including the disgorgement of profits and the divestiture of Medi-Span. The investigating states subsequently negotiated a settlement on behalf of state governmental consumers in the amount of $925,000. These proceeds are expected to be distributed during 2005.

State of Kansas ex rel. vs. Microsoft

On May 18, 1998, the Attorney General, along with 18 other states and the Department of Justice, filed an antitrust action against Microsoft Corporation in the United States District Court for the District of Columbia. The suit alleged that Microsoft's conduct violated state and federal antitrust laws. In November 1999, the court found that Microsoft had violated the state and federal antitrust laws and caused consumer harm by, *inter alia,* engaging in a series of actions designed to protect its monopoly power. The Court issued an order in June 2000 which included remedies involving the reorganization of the structure of Microsoft. Microsoft appealed to the United States Court of Appeals for the District of Columbia which affirmed the Findings of Fact that Microsoft's conduct violated the law, but reversed and remanded the case for further proceedings and consideration of the remedy to be imposed for the illegal conduct. In November 2000, nine states and the Department of Justice entered into a settlement of the case which must be approved by the Court. The State of Kansas and the other non-settling states continued to litigate and submitted a separate remedy proposal. Although there was significant industry opposition to the DOJ settlement, the court approved the settlement while at the same time granting judgment to the litigating states for some, but not all, of the additional relief suggested by the litigating states. Kansas and the other states continue to work with Microsoft to insure compliance with the settlement and judgment.

In Re: Kansas Microsoft Litigation

This Microsoft matter is a private class action alleging overcharges by Microsoft on certain software products. Similar matters are pending in state courts throughout the country. Plaintiffs' attorneys have met with varying degrees of success both with regard to the merits of the case, and approval of proposed settlements. The proposed

settlement in Kansas did not appear fair to consumers, and the proposed attorneys fees appear disproportionate to the benefit provided by the settlement. The Kansas Attorney General filed an objection to the settlement on behalf of Kansas consumers. Several additional parties filed objections on similar grounds. The court heard the matter in May, 2004, and approved the settlement despite the objections. However, the court has taken the attorneys fees matter under advisement and has not yet rendered a decision as to the amount of fees to be awarded. A supplemental objection was filed by the State for the court's consideration as it reviews the fee matter. The court continues to monitor the attorney fees distribution.

State of Texas, et al. vs. Organon USA, Inc. and AKZO Nobel, N.V.

The States contend that the Defendants fraudulently manipulated the patent process for its drug Remeron, as a means by which to prevent generic versions of the drug from coming to the marketplace. A settlement has been reached in the case. Calculation of agency damages is in process. Proceeds from the settlement are expected to be distributed in 2005.

State of Kansas ex rel. vs. Salton

Kansas and the Attorneys General of all States (except Minnesota, Missouri and New Mexico), Puerto Rico, and the District of Columbia brought a resale price maintenance, exclusive dealing and monopolization lawsuit against Salton, Inc., claiming that Salton's alleged practices affected the price at which some Salton products (primarily the George Forman Grill) were sold at some retail stores during the period from Jan. 1, 1998 -Sept. 6, 2002. The case has been settled subject to court approval.

Under the proposed settlement, Salton has agreed to pay the States $7.654 million for claimed damages. This payment will be made in three installments, the last of which is on or before March 1, 2004. Salton will also pay the States $200,000 for costs and attorneys' fees. Salton has agreed to a court order prohibiting certain conduct in the sale of its indoor contact grills, including agreements to set retail prices.

In view of the difficulty in identifying the millions of purchasers of the George Forman Grills covered by the settlement and the relatively small alleged overcharge per grill, the settlement funds will be distributed in each state on a *cy pres* basis to not-for-profit corporations, charitable organizations, or governmental entities to advance health or nutrition-related causes. Kansas received $75,000.00 in settlement proceeds. Proceeds were distributed via a court approved cypress distribution to four pregnancy maintenance organizations for the advancement of health and nutritional programs.

State of Maryland, et al. vs. SmithKline Beecham Corporation

The States contend that SmithKline fraudulently manipulated the patent process for its drug Relafen, as means by which to prevent generic versions of the drug from coming to the marketplace. Settlement negotiations are underway, and a settlement may occur in early 2005.

NO-CALL
ENFORCEMENT ACTIONS

State vs. Bankers Life and Casualty Company

On February 23, 2004, the Attorney General filed a Consent Judgment with Bankers Life and Casualty Company for violations of the Kansas No-Call Act. The Defendant agreed to pay $5,000.00 in civil penalties and investigative fees. (Molina, Meneses)

State vs. Christopher Fischer, Individually, d/b/a Advantage Satellite; d/b/a Satellite Solutions; d/b/a Dish Sales; and d/b/a Digital World Satellite

On July 21, 2004, the Attorney General entered into a Consent Judgment with the Defendant for violations of the Kansas No-Call Act. The Defendant agreed to pay $5,000.00 in civil penalties and investigation fees. (Molina, Meneses)

State vs. Dana J. Abboud, Individually, USA Roofing & Construction, Inc.

On July 21, 2004, the Attorney General entered into a Consent Judgment with Dana J. Abboud, Individually, USA Roofing & Construction, Inc. for violations of the Kansas No-Call Act. The Defendant agreed to pay $1,000.00 in civil penalties and investigative fees. (Molina, Meneses)

State vs. Glam Promotions Inc., f/k/a CSI Consulting

On January 20, 2004, the Attorney General filed a lawsuit against Glam Promotions, Inc., f/k/a CSI Consulting for alleged violations of the Kansas No-Call Act. A Default Judgment was granted. (Molina, Meneses)

State vs. Grand Vacations International, Inc.

On March 17, 2003, the Attorney General filed a lawsuit with Grand Vacations International, Inc. for alleged violations of the Kansas No-Call Act. Default Judgment has been granted. (Molina, Meneses)

State vs. Impressa, Inc.

On June 18, 2004, the Attorney General entered into a Consent Judgment with Impressa, Inc. for alleged violations of the Kansas No-Call Act. The Defendant agreed to pay $12,000.00 in civil penalties and investigative fees. (Molina, Meneses)

In the Matter of Mission Group of Kansas, Inc. d/b/a Wright Business School

On March 4, 2004, the Attorney General entered into an Assurance of Voluntary Compliance with Mission Group of Kansas, Inc. d/b/a Wright Business School for alleged violations of the Kansas No-Call Act. The Respondent agreed to pay $10,000.00 in civil penalties and investigative fees. (Molina, Meneses)

State vs. Nomrah Records, Inc., d/b/a Direct Activation

On July 21, 2004, the Attorney General entered into a Consent Judgment with Nomrah Records, Inc., d/b/a Direct Activation for alleged violations of the Kansas No-

Call Act. The Defendant agreed to pay $2,000.00 in civil penalties and investigation fees. (Molina, Meneses)

State vs. Qitel Communications, LLC

On April 14, 2004, the Attorney General entered into a Consent Judgment with Qitel Communications, LLC for alleged violations of the Kansas No-Call Act. The Defendant agreed to pay $5,000.00 in civil penalties and investigative fees. (Molina, Meneses)

In the Matter of RS&I Security, Inc.

On May 20, 2004, the Attorney General entered into an Assurance of Voluntary Compliance with RS&I Security, Inc. for alleged violations of the Kansas No-Call Act. The Respondent agreed to pay $4,000.00 for civil penalties and investigative fees. (Molina, Meneses)

In the Matter of Security Federal Mortgage, Inc.

On April 9, 2004, the Attorney General entered into an Assurance of Voluntary Compliance with Security Federal Mortgage for alleged violations of the Kansas No-Call Act. The Respondent agreed to pay $1,500.00 in civil penalties and investigative fees. (Molina, Meneses)

In the Matter of Surrey Vacation Resorts, Inc., d/b/a Grand Crown Vacations

On July 26, 2004, the Attorney General entered into an Assurance of Voluntary Compliance with Surrey Vacations Resorts, Inc., d/b/a Grand Crown Vacations for violations of the Kansas No-Call Act. The Respondent agreed to pay $4,000.00 in civil penalties and investigative fees. (Molina, Meneses)

State vs. Take Time for Branson Inc., d/b/a Branson Bound

On September 18, 2003, the Attorney General filed a lawsuit with Take Time for Branson, d/b/a Branson Bound for alleged violations of the Kansas No-Call Act. Default Judgment has been granted. (Molina, Meneses)

In the Matter of Teleten Marketing, Inc.

On May 5, 2004, the Attorney General entered into a Consent Judgment with Teleten Marketing, Inc. for alleged violations of the Kansas No-Call Act. The Respondent agreed to pay $3,000.00 in civil penalties and investigative fees. (Molina, Meneses)

In the Matter of Thermal King Windows, Inc.

On January 28, 2004, the Attorney General entered into an Assurance of Voluntary Compliance with Thermal King Windows, Inc. for alleged violations of the Kansas No-Call Act. The Respondent agreed to pay $4,000.00 in civil penalties and investigative fees. (Molina, Meneses)

State vs. TZ Enterprises, Inc., and Fred Jeff May, Individually

On October 29, 2004, the Attorney General entered into a Consent Judgment with TZ Enterprises, Inc., and Fred Jeff May, Individually for alleged violations of the Kansas No-Call Act. The Defendant agreed to pay $1,000.00 in civil penalties and investigation fees. (Molina, Meneses)

In the Matter of Vacation Connection, LLC

On February 6, 2004, the Attorney General entered into an Assurance of Voluntary Compliance with Vacation Connection, LLC. for alleged violations of the Kansas No-Call Act. The Respondent agreed to pay $6,000.00 in civil penalties and investigation fees. (Molina, Meneses)

In the Matter of Vacation Station, LLC

On July 14, 2004, the Attorney General entered into an Assurance of Voluntary Compliance with Vacation Station, LLC for alleged violations of the Kansas No-Call Act. The Defendant agreed to pay $5,000.00 in civil penalties and investigation fees. (Molina, Meneses)

State vs. Vision Lab Telecommunication, Inc. (Unsolicited faxes)

On May 19, 2004, the Attorney General entered into a Consent Judgment with Vision Lab Telecommunication, Inc. for alleged violations of the Kansas No-Call Act. The Defendant agreed to pay $2,000.00 in civil penalties and investigation fees. (Molina, Meneses)

In the Matter of Wall Street Rare Coins, Inc.

On January 12, 2004, the Attorney General entered into an Assurance of Voluntary Compliance with Wall Street Rare Coins, Inc. for alleged violations of the Kansas No-Call Act. The Respondent agreed to pay $2,000.00 in civil penalties and investigative fees. (Molina, Meneses)

State vs. Walter Shutt d/b/a Miracle Ear

On August 10, 2004, the Attorney General entered into a Consent Judgment with Walter Shutt d/b/a Miracle Ear for alleged violations of the Kansas No-Call Act. The Defendant agreed to pay $1,000.00 in civil penalties and investigative fees. (Molina, Meneses)

State vs. Water Tech of KC, Inc.

On October 29, 2004, the Attorney General entered into a Consent Judgment with Water Tech of KC, Inc. for alleged violations of the Kansas No-Call Act. The Defendant agreed to pay $2,000.00 in civil penalties and investigative fees. (Molina, Meneses)

In the Matter of Wireless Retail, Inc.

On April 19, 2004, the Attorney General entered into an Assurance of Voluntary Compliance with Wireless Retail, Inc. for alleged violations of the Kansas No-Call Act.

The Respondent agreed to pay $8,000.00 in civil penalties and investigative fees. (Molina, Meneses)

2004 NO-CALL COMPLAINTS

Complaints Filed:	**674**
Complaints Closed:	**961**

Category	
No-Call	674

2004 DISPOSITION OF NO-CALL CLOSED COMPLAINTS

	Complaints Received	Percent of Total
No Jurisdiction	36	3.75%
Practice Discontinued	1	0.10%
Unable to Locate Respondent	83	8.64%
Respondent Out of Business	16	1.66%
No Violation	76	7.91%
Insufficient Evidence	20	2.08%
Withdrawn	1	0.10%
Other	88	9.16%
Defendant Enjoined & Violations Found	18	1.87%
Consent Judgment	162	16.86%
Assurance of Voluntary Compliance	43	4.47%
Default Judgment	6	0..62%
No-Call Charity	61	6.35%
No-Call Political	4	0.42%
No-Call Polling	26	2.71%
No-Call Established Business Relationship Exemption	182	18.94%
No-Call Express Authorization Exemption	20	2.08%
No-Call Collection Exemption	98	10.20%
No-Call Affirmative Defense - Business Phone	20	2.08%
TOTAL CASES	961	100.00%

http://www.kslegislature.org/bills/2006/378.pdf SB 378: An ACT concerning the consumer protection act; pertaining to such act's applicability to insurance policies; amending K.S.A. 50-627 and repealing the existing section. (2006 Session - referred to Financial Institutions and Insurance on 1/18/06)

http://www.kslegislature.org/bills/2006/463.pdf Substitute for SB 463: An ACT repealing K.S.A. 50-675a; concerning telemarketing; relating to the notification requirements of telecommunications carriers. (2006 Session - referred to Utilities, hearing set 3/306)

http://www.kslegislature.org/bills/2006/2159.pdf HB 2159: An ACT concerning consumer protection; relating to damage waivers; amending K.S.A. 50-656 and 50-657 and repealing the existing sections. (2005 Session - Conference Report passed out of committed as amended 2/23/06)

http://www.kslegislature.org/bills/2006/2485.pdf HB 2485: An ACT concerning notaries public; prohibiting certain acts and providing penalties and remedies for violations; amending K.S.A. 53-118 and repealing the existing section. (2005 Session - Passed as amended by Senate on 2/22/06, passed House 3/22/05)

http://www.kslegislature.org/bills/2006/2837.pdf HB 2837: An ACT concerning debt collectors; establishing requirements that debt collectors operating to collect debts in Kansas register with the secretary of state, post a surety bond and register a resident agent. (2006 Session)

http://www.kslegislature.org/bills/2006/2436.pdf HB 2436: An ACT concerning consumer protections; relating to automatic renewals. (2005 Session - referred to judiciary 2/11/05)

http://www.kslegislature.org/bills/2006/376.pdf SB 376: An ACT relating to the consumer credit code; concerning alternative charges on certain consumer loans. (2006 Session -Hearing held 1/26/06)

http://www.kslegislature.org/bills/2006/2658.pdf HB 2658: An ACT relating to gift certificates and gift cards; concerning certain restrictions. (2006 Session - committee report adopted, passed as amended 2/23/06)

http://www.kslegislature.org/bills/2006/2773.pdf HB 2773: An ACT concerning consumer protection; relating to automatic renewals (2006 Session - referred to Commerce and Labor 2/01/06)

http://www.kslegislature.org/bills/2006/2599.pdf HB 2599: An ACT concerning the Kansas consumer protection act; relating to dissemination of electric mail addresses and certain unsolicited facsimile transmissions; prohibiting certain acts and providing remedies and penalties for violations. (2006 Session - referred to Utilities 2/16/06, already passed the House)

http://www.kslegislature.org/bills/2006/2369.pdf HB 2369: An ACT supplementing the Kansas consumer protection code; concerning dissemination of electronic mail addresses; prohibiting certain acts and providing remedies and penalties for violations. (2005 Session - referred to Judiciary 2/10/05)

http://www.kslegislature.org/bills/2006/2.pdf SB 2: An ACT amending the Kansas consumer protection act; relating to certain vehicle dealer's require disclosures; amending K.S.A. 50-659 and repealing the existing section. (2005 Session - referred to Transportation 1/11/05)

http://www.kslegislature.org/bills/2006/129.pdf SB 129: An ACT concerning consumer protection; relating to warranty modification or limitations; workmanlike performance; amending K.S.A. 2004 Supp. 50-639 and repealing existing section. (2005 Session - referred to Judiciary 3/01/05)

http://www.kslegislature.org/bills/2006/2277.pdf HB 2277: An ACT relating to consumer protection; concerning credit and debit card reaccepts; amending K.S.A. 2004 Supp. 50-669b and repealing the existing section. (2005 Session - referred to Financial Institutions 2/04/05)

http://www.kslegislature.org/bills/2006/2343.pdf HB 2343: An ACT concerning computers; enacting the consumer protection against computer spyware act; prohibiting certain acts and providing penalties for violations. (2005 Session - referred to Judiciary 1/09/06)

http://www.kslegislature.org/bills/2006/2436.pdf HB 2436: An ACT concerning consumer protection; relating to automatic renewals. (2005 Session - referred to Judiciary 2/11/05)

http://www.kslegislature.org/bills/2006/2462.pdf HB 2462: An ACT amending and supplementing the Kansas consumer protection act; relating to call centers; prohibiting certain acts and providing remedies for violations. (2005 Session - referred to Utilities 2/14/05)

http://www.kslegislature.org/bills/2006/2500.pdf HB 2500: An ACT relating to consumer protection; concerning refunds. (2005 Session - referred to Commerce and Labor 2/23/05)

http://www.kslegislature.org/bills/2006/2905.pdf HB 2905: An ACT supplementing the Kansas consumer protection act; relating to certain contracts for sale of home heating oil, kerosene or liquefied petroleum gas; declaring certain acts to be unconscionable acts and providing remedies therefor. (2006 Session - referred to Judiciary 2/15/06)

http://www.kslegislature.org/bills/2006/2270.pdfHB HB 2270: An ACT concerning consumer warranties; amending K.S.A. 2004 Supp. 50-624, 50-627 and 50-639 and repealing existing sections. (2005 Session - referred to Judiciary 2/03/05)

http://www.kslegislature.org/bills/2006/57.pdf SB 57: An ACT concerning the Kansas consumer protection act; relating to occasional sales of certain repossessed collateral, amending K.S.A. 2004 Supp. 50-624 and repealing the existing section. (2006 Session - Approved by Gov. 3/28/05)

http://www.kslegislature.org/bills/2006/2312.pdf HB 2312: An ACT concerning consumer protection; relating to advertising of certain live musical performances. (2006 Session - referred to Commerce and Labor 2/08/05)

http://www.kslegislature.org/bills/2006/2438.pdf HB 2438: An ACT amending and supplementing the fair credit reporting act; providing for nondisclosure of certain information under certain circumstances; providing remedies for violations; amending K.S.A. 50-702 and repealing the existing section. (2005 Session - referred to Financial Institutions 2/11/05)

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http://www.kslegislature.org/bills/2006/2312.pdf HB 2312: An ACT concerning consumer protection; relating to advertising of certain live musical performances. (2006 Session - referred to Commerce and Labor 2/08/05)

http://www.kslegislature.org/bills/2006/2438.pdf HB 2438: An ACT amending and supplementing the fair credit reporting act; providing for nondisclosure of certain information under certain circumstances; providing remedies for violations; amending K.S.A. 50-702 and repealing the existing section. (2005 Session - referred to Financial Institutions 2/11/05)