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KS. DISTRICT COURT
THIRD JUDICIAL DIST.
TOPEKA, KS

2016 DEC 20 P 3:08

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS

STATE OF KANSAS, *ex rel.*,)
DEREK SCHMIDT, Attorney General,)
)
Plaintiff,)
)
v.)
)
ROOFTOP CONSTRUCTION, LLC)
A NORTH CAROLINA LIMITED LIABILITY COMPANY)
)
Defendant.)
)

Case No. 2016-CV-954

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

JOURNAL ENTRY OF CONSENT JUDGMENT

The Plaintiff's Journal Entry of Consent Judgment comes before the Court pursuant to K.S.A. 50-632(b). The Plaintiff, State of Kansas, *ex rel.* Derek Schmidt, Attorney General, appears by and through Meghan D. Lowry, Assistant Attorney General. Defendant Rooftop Construction, LLC, a North Carolina Limited Liability Company, appears pro se.

WHEREUPON the parties advise the Court that they have stipulated and agreed to the following:

PARTIES, JURISDICTION, AND VENUE

1. Derek Schmidt is the duly elected and acting attorney general of the State of Kansas.
2. The Attorney General's authority to bring this action is derived from the statutory and common law of the State of Kansas, specifically the Kansas Consumer Protection Act, K.S.A. 50-623 *et seq.* and the Roofing Registration Act, K.S.A. 50-6,121, *et seq.*

3. Defendant Rooftop Construction, LLC, a North Carolina Limited Liability Company (Defendant”) is a Kansas Foreign Limited Liability Company organized under the laws of the state of North Carolina, with a mailing address at 24 Brownsview Church Road, Candler, North Carolina 28715.

4. Defendant maintains a principal place of business in Kansas at 524 NE Kincaid Road, Topeka, Kansas 66617.

5. Venue is proper in Shawnee County, Kansas.

ALLEGATIONS

6. Defendant engaged in the performance of roofing services in the state of Kansas.

7. Defendant acted as a “roofing contractor,” as defined by K.S.A. 50-6,122(a)(1), in the state of Kansas.

8. Defendant was not properly registered with the attorney general as a roofing contractor in the state of Kansas when Defendant acted as a roofing contractor.

INJUNCTIVE RELIEF

9. Defendant agrees to comply with the Kansas Consumer Protection Act, K.S.A. 50-623 *et sec.*, in all transactions involving Kansas consumers.

10. Defendant agrees to comply with the Roofing Registration Act, K.S.A. 50-6,121, *et seq.*, in all transactions occurring within the state of Kansas.

11. Defendant agrees to be permanently enjoined from entering into, forming, organizing, or reorganizing into any partnership, corporation, sole proprietorship, or any other legal structure, for the purpose of avoiding compliance with the terms of this Consent Judgment.

MONETARY RELIEF

12. Defendant agrees to pay \$2,500.00 in civil penalties for the allegations contained herein

at the time this Consent Judgment is executed. Payment shall be made by cashier's check or money order and mailed to:

Meghan D. Lowry, Assistant Attorney General
Office of the Kansas Attorney General
120 SW 10th Avenue, 2nd Floor
Topeka, Kansas 66612

OTHER PROVISIONS

13. 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.

14. 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.

15. Compliance with this Consent Judgment does not relieve Defendant of any obligation imposed by applicable federal, state, or local law, nor shall this Consent Judgment preclude the Plaintiff from taking appropriate legal action to enforce any other statutes under his jurisdiction or from any other Federal or State agency to enforce any other federal, state, or local law under its jurisdiction.

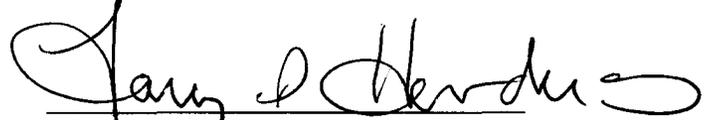
16. The parties understand that this Consent Judgment shall not be construed as an approval of or sanction by the attorney general of the Defendant's business practices, nor shall the Defendant represent the Consent Judgment as such approval. The parties further understand and agree that any failure by the State of Kansas or by the attorney general to take any action in response to any information submitted pursuant to this Consent Judgment shall not be construed

to be an approval of or sanction of any representations, acts, or practices of the Defendant, nor shall any inaction by the attorney general be considered a waiver by the attorney general of any rights under this Consent Judgment or applicable law.

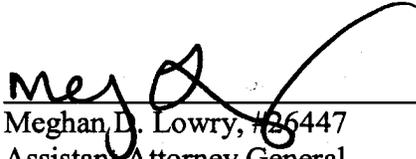
17. Defendant hereby represents and warrants that Defendant has had the opportunity to consult with and receive the advice of legal counsel regarding all matters relative to this Consent Judgment, including the rights and obligations of Defendant under this Consent Judgment and the consequences of breach hereunder. Defendant represents that Defendant has read the Consent Judgment and knows and understands the contents thereof. Defendant further represents and warrants that Defendant is signing this Consent Judgment as the result of his own free act, and that Defendant has not relied on any statement(s) or representation(s) of the attorney general or anyone acting on his behalf, except for those contained in this Consent Judgment.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the stipulations and agreements of the parties contained herein are adopted and approved pursuant to the Kansas Consumer Protection Act, the provisions of K.S.A. 50-632(b), and the Roofing Registration Act as the findings of fact and conclusions of law of the Court and that judgment is entered against Defendant and in favor of Plaintiff; and the terms of the Consent Judgment are approved and adopted as the Order of the Court.

IT IS SO ORDERED.


District Court Judge

Prepared and approved by:



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ATTORNEY FOR PLAINTIFF



DEREK SCHMIDT, #17781
KANSAS ATTORNEY GENERAL

Approved by:



Jeffrey Whitson
Rooftop Construction, LLC
A North Carolina Limited Liability Company