

2016 Kansas Statutes

- 17-1768. Same; remedies.** (a) The attorney general, county or district attorney may bring an action to:
- (1) Obtain a declaratory judgment that an act or practice violates this act;
 - (2) enjoin, or to obtain a restraining order against a charitable organization, professional fund raiser or professional solicitor who has violated, is violating, or is otherwise likely to violate this act;
 - (3) recover actual damages on behalf of the state and other persons by reason of violations of this act; and
 - (4) recover reasonable expenses and investigation fees.
- (b) In lieu of instigating or continuing an action or proceeding, the attorney general, county or district attorney may accept a consent judgment with respect to any act or practice declared to be a violation of this act. Before any consent judgment entered into pursuant to this act shall be effective, such judgment must be approved by the district court and an entry made thereof in the manner required for making an entry of judgment. Once such approval is received, any breach of the conditions of the consent judgment shall be treated as a violation of a court order, and shall be subject to all the penalties provided by law therefor.
- (c) In any action brought by the attorney general, county or district attorney, the court, without requiring bond of the attorney general, county or district attorney, may:
- (1) Make such orders or judgments as may be necessary to prevent the use or employment by a person of any practices declared to be a violation of this act;
 - (2) make such orders or judgments as may be necessary to compensate the state or any persons for damages sustained; or
 - (3) grant other appropriate relief.
- (d) Upon a showing by the attorney general, county or district attorney in an application for an injunction that any person engaged in the solicitation for charitable purposes has been convicted in this state or elsewhere of a felony or of a misdemeanor where such felony or misdemeanor involved the misappropriation, misapplication or misuse of money or property of another, the attorney general, county or district attorney may enjoin such persons from engaging in any solicitation for charitable purposes.

History: L. 1988, ch. 96, § 10; L. 1990, ch. 84, § 4; July 1.