

District Attorney Marc Bennett
18th Judicial District of Kansas



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For Immediate Release, March 1, 2019

WICHITA, KAN. – A car dealership, its owner, and a salesperson have entered into a consent judgment with the Office of the District Attorney. The District Attorney investigated a complaint from a consumer who purchased a vehicle advertised as having a “Clean CarFax”. The District Attorney found the advertisement was deceptive because the car was subject to a safety recall. The dealership also failed to provide proper warranty information, and the salesman who sold the car was unlicensed.

The agreement between Banter Automotive, Dustin Banwart, and Austin Ely, at 9809 E. Orme St. Suite 106 and the District Attorney’s Office called for them to pay \$15,000 in civil penalties, address safety recalls in the future, maintain appropriate licensure and warranty documents, and compensate the customer. Banter Automotive, Dustin Banwart, and Austin Ely admitted the allegations and had taken certain remedial measures to address the violations prior to the consent judgment being entered into.

The District Attorney reminds residents that safety recalls affect millions of cars and residents should inquire before buying a vehicle if the vehicle is subject to a recall. Residents can check their cars, trucks, and motor cycles for recalls at <https://www.safercar.gov/vin>. Recalls are free and repairs are covered by the manufacturer. Buyers Guides are required to be placed on used vehicles being sold by vehicle dealers, it is known as the Used Car Rule, and Buyers Guides give consumers important purchasing and warranty information. Dealership and salespersons should be licensed and any representations in advertising must be substantiated and cannot be misleading.

The consent judgment was filed February 27, 2019, by Judge William Woolley. The case was investigated by Scott Kelley of the District Attorney’s Office.

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CONTACT: DAN DILLON, MEDIA COORDINATOR 316-660-3707
Dan.Dillon@SEDGWICK.GOV