

District Attorney Marc Bennett
18th Judicial District of Kansas



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WICHITA, KAN. – A local contractor was assessed \$30,000.00 in penalties and ordered to refund his former customers \$6,860.00 following a civil bench trial in Sedgwick County District Court.

The District Attorney, through his Consumer Protection Division, brought the suit against James Duane Beaman, who operated under the name Duane Beaman and Kansas Custom Carports and Patio Covers. The work performed by Beaman involved the installation of two patio covers as part of a home improvement project.

The District Attorney filed suit against Beaman alleging violations of the Kansas Consumer Protection Act (KCPA). The trial was held on November 9, 2020, before District Court Judge Kevin Smith. The District Attorney's Office alleged Beaman was an unlicensed contractor, failed to obtain a necessary permit, failed to provide "Notices of Cancellation" (commonly referred to as a 3-day-right to cancel) and failed to provide a material benefit to the consumers.

At trial, Judge Smith found Beaman's acts were both deceptive and unconscionable violations of the KCPA. During testimony Beaman admitted he was not licensed when he contracted to install two patio covers and never obtained any permits. The court found evidence the patio covers caused water to leak into the consumer's attic and that Beaman failed to install several complete hail protectors on one of the patio covers. The court also found Beaman installed one cover too low so that the consumer eventually had to tear it down when it blocked replacement of a door. Evidence proved posts for the covers installed by Beaman were not secured with concrete to a depth to resist high winds. Furthermore, the court found the poor workmanship resulted in the consumers being unable to hire a licensed contractor to mitigate the problems with the installation.

Based on the violations, Judge Smith ordered Beaman to pay over \$37,000 in fines, restitution and investigative fees. Beaman was further ordered to refrain from all business activities until properly licensed.

The complaint was investigated by Andrea Riedel of the District Attorney's office.

The District Attorney reminds residents that contractors for many residential projects are required to be qualified and licensed, in their own name, by the Metropolitan Area Building and Construction Department (MABCD). Work may also require permits. Anyone engaging in door-to-door sales or offering their services outside of their place of business is required to provide customers specific oral and duplicate written notices that they can cancel their contract within three days. The requirements are located in K.S.A. 50-640. Some professionals have additional duties. For example, roofers are required to register with the Attorney General's Office.

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