

District Attorney Marc Bennett  
18<sup>th</sup> Judicial District of Kansas



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For Immediate Release, September 8, 2021

**WICHITA, KAN.** – A local used car dealership and its owner have entered into a consent judgment with the Office of the District Attorney based on allegations they attempted to disclaim implied warranties following the sale of a used vehicle.

After an investigation into a consumer complaint, the Consumer Protection Division alleged that Thomas Bland II and Quality Automotive Group LLC, II, located at 3933 S. Broadway, violated the Kansas Consumer Protection Act (“KCPA”) when they attempted to disclaim implied warranties by failing to properly repair a hole in the undercarriage of a 2006 Nissan Altima purchased in July of 2020. The buyer was a veteran and is considered a protected consumer under Kansas law. The consumer filed a consumer complaint after the dealership refused to issue a refund after a mechanic saw a license plate covering the hole a few months after the purchase.

While Bland and the dealership denied violating the KCPA, they accepted a consent judgment to settle the matter. Bland and the dealership also denied knowing the Altima had a hole in the undercarriage. As part of the consent judgment Bland and Quality agreed to pay \$20,000.00 in civil penalties, as well as court costs, and fees. Violations of the KCPA that impact a protected consumer can result in an enhanced civil penalty per violation. K.S.A. 50-677. Protected consumers include the disabled, veterans, members of the military and persons over the age of 60. K.S.A. 50-676. Prior to entry of the agreement, Quality issued a complete refund.

Quality and Bland agreed to a 12-month probationary period and also agreed not to sell the Altima absent proof the vehicle was safely repaired. Bland previously entered into a consent judgment in 2018 for other KCPA violations. Bland satisfied that judgment in 2020.

The District Attorney reminds residents that when buying a used car make sure you know as much as you can prior to the purchase. Consider asking to take the vehicle for an independent inspection prior to buying the car. Buyers Guides are required to be placed on used vehicles being sold by vehicle dealers, it is known as the Used Car Rule. A Buyers Guide gives consumers important purchasing and warranty information. Residents can also visit <https://www.consumer.ftc.gov/articles/buying-used-car-dealer> for more information about buying a used car.

The case was investigated by the Consumer Protection Division of the District Attorney’s Office and the consent judgment was approved on September 7, 2021, by Judge Stephen Ternes.

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