

District Attorney Marc Bennett
18th Judicial District of Kansas



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WICHITA, KAN. – A Wichita accounting services business and its owner have entered into a consent judgment with the Office of the District Attorney. The District Attorney's Consumer Protection Division investigated Bookkeeping N Beyond LLC and Nicole Clem after receiving a consumer complaint regarding unfiled tax returns.

The District Attorney's Office alleged Clem and the business at 10333 E. 21st violated the Kansas Consumer Protection Act ("KCPA") by failing to timely file 2021 tax returns as promised, failing to disclose to consumers that Clem and the business could not electronically file taxes at the time the services were solicited, and misleading consumers about the reason for the delay with expected tax refunds. As part of the investigation, the Consumer Protection Division identified at least sixteen (16) impacted consumers, at least two of which were over the age of 60 making them "protected consumers" under the KCPA.

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.

While Clem and the business denied intentionally violating the KCPA, they accepted a consent judgment to resolve the matter. The agreement calls for the Defendants to be liable for \$120,000.00 in civil penalties, additional investigative expenses, and court costs while on a 12-month probationary period with the Consumer Protection Division. Clem and the business promised to refund impacted consumers whose 2021 tax returns were filed late or had to be filed by another accounting service. They also agreed to reimburse consumers forced to pay a late fee or penalty based on the failure to file the returns in a timely manner. The business cooperated with the investigation and has already begun the process of notifying potentially impacted consumers. The consent judgment also calls for a permanent injunction from engaging in deceptive or unconscionable acts and cooperation with any future complaints.

The District Attorney reminds residents that when hiring a professional for a service, you should make sure to get the scope of work and all promises in writing. All deadlines should be documented and agreed to by the professional so that you can determine if they met your expectations. When selecting a professional you should research the provider, including on available websites such as the Better Business Bureau. When filing taxes electronically the Internal Revenue Service (IRS) indicates a refund should be received within three weeks. For more information about how to file taxes consult with a tax professional or visit <https://www.irs.gov/filing/individuals/how-to-file> for more information.

Kristen Zluticky with the Office of the District Attorney investigated the matter. The consent judgment was approved December 29, 2023, by Judge Sean Hatfield.

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