

District Attorney Marc Bennett
18th Judicial District of Kansas



www.sedgwickcounty.org/da <https://www.facebook.com/SedgwickCountyDistrictAttorney>

For Immediate Release, December 5, 2022

WICHITA, KAN. — A Wichita contractor was assessed \$17,825.75 in civil penalties, restitution, expenses and fees following a civil bench trial in Sedgwick County District Court.

The Consumer Protection Division of the District Attorney's Office brought suit against Bradley D. Newman, who operated under the name Brad Newman Contracting following a consumer protection complaint from consumers living in Derby. The complaint involved a home improvement project to remove and replace a concrete deck around a swimming pool.

In 2021, the District Attorney filed suit against Newman alleging violations of the Kansas Consumer Protection Act (KCPA). The trial was held on November 17, 2022, before District Court Judge Stephen Ternes. The District Attorney's Office alleged Newman 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.

Judge Ternes found Newman engaged in deceptive and unconscionable acts in violation of the KCPA. During testimony Newman admitted he was not licensed in Derby when he contracted and performed work for consumers and admitted he never obtained permits from the City of Derby for the project. The court found Newman failed to install a grounding wire in the concrete around the pool which can only be remedied by the complete removal of the concrete. Testimony from inspectors for the City of Derby indicated the project required a permit and would not pass inspection as performed. Based on the evidence the court found Newman provided no material benefit to the consumers and ordered Newman to pay \$11,628.75 in restitution. The court also found Newman deceptively claimed he was licensed to perform the work when he was not. The court found the contract was not a door-to-door sale under Kansas law.

Based on the violations, Judge Ternes ordered Newman to pay \$4,500 in civil penalties and \$1,500 in investigative fees. Newman was further enjoined from all practices that would violate the KCPA.

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

The District Attorney reminds residents that contractors for many residential projects are required to be qualified and licensed. Residents should ask to see licenses and permits from the contractor prior to letting work begin. In Wichita and some areas of Sedgwick County, the Metropolitan Area Building and Construction Department (MABCD) ensures compliance with codes by issuing permits and performing inspections. However, Derby and other municipalities in Sedgwick County have their own building codes which must be followed by contractors. Work may require permits based on the applicable code. 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 3 days. The requirements are located in K.S.A. 50-640. Residents should also consider researching their prospective contractors online including through the Better Business Bureau.

District Attorney Marc Bennett
18th Judicial District of Kansas

CONTACT: DAN DILLON, MEDIA COORDINATOR 316-660-3707

Dan.Dillon@SEDGWICK.GOV