

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



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For Immediate Release, May 17, 2023

**WICHITA, KAN.** — A Wichita landscaping 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 AJ Landscaping and Irrigation, LLC and Anthony Davis after receiving a consumer complaint from a protected consumer about a concrete retaining wall project.

The District Attorney's Office alleged AJ Landscaping and Davis violated the Kansas Consumer Protection Act ("KCPA") by failing to disclose the business was not properly licensed to perform the contracted work and by failing to provide the impacted consumer with a material benefit after the consumer was forced to hire a second contractor to correct and finish the project.

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 the parties denied intentionally violating the KCPA, the business and its owner accepted a consent judgment to settle the matter. As part of the agreement, they agreed to pay over \$5,900 in restitution to the protected consumer. The court assessed a \$20,000.00 civil penalty, along with additional investigative expenses, and court costs. As part of the consent judgment, AJ Landscaping and Davis each promised to not perform or contract for work they do not have the requisite license or skill to perform as well as to cooperate with the investigation of any future complaints. They also promised that all future door-to-door sales will include proper notification of the three-day right to cancel under Kansas law. The consent judgment also includes an injunction from engaging in deceptive or unconscionable acts in the future. The parties will now be on a 12-month probationary period with the Consumer Protection Division.

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, including electrical, structural and plumbing, may also require permits. Permits and inspections are important to make sure the work was performed to building code and completed in a safe manner. Anyone engaging in door-to-door sales or offering their services outside of their place of business is also required to provide customers a specific notice both orally and in writing that informs the consumer they can cancel the contract within three days. The requirements are located in K.S.A. 50-640. Some trades have additional duties, for example, roofers are required to register with the Attorney General's Office.

The consent judgment was approved on May 16, 2023, by Judge Faith Maughan. The case was investigated by Jimmie Merrick with the Office of the District Attorney.

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