

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



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For Immediate Release, May 2, 2024

**WICHITA, KAN.** — A \$418,197.00 default judgment was entered against a local car dealer for engaging in deceptive acts and willfully violating a previous consent judgment under the Kansas Consumer Protection Act (KCPA). The matter was investigated by the Office of the District Attorney's Consumer Protection Division after receiving a consumer complaint against Carnation LLC, located at 1301 E. Lincoln.

It's alleged Carnation LLC violated the KCPA by failing to disclose that a car had blown airbags before selling it to the consumer. The consumer later found an airbag simulator device installed in the car which disabled the airbag light on the dash, concealing the fact that the airbag had been deployed. Further investigation by the Consumer Protection Division found 12 more cars sold by Carnation LLC in the first quarter of 2023 alone with blown airbags that were not replaced. Carnation failed to disclose these blown airbags when selling the cars to consumers.

In 2019, Carnation LLC entered into a consent judgment with the Consumer Protection Division in which it admitted to a deceptive act for failing to disclose a blown airbag on a car. The Court found that the sale of each of the 13 cars in the current case with undisclosed and concealed blown airbags constituted willful violations of the 2019 consent judgment and the KCPA.

The court ordered Carnation LLC to pay \$2,000.00 per car in restitution to each of 12 consumers for a total of \$24,000.00. One consumer has received restitution. Carnation was ordered to pay \$390,000.00 in civil penalties, as well as court costs and investigation fees. The court also revoked Carnation LLC's license to do business in the State of Kansas and issued a permanent injunction against Carnation LLC from selling any motor vehicles within the State of Kansas.

The District Attorney reminds car buyers to exercise care when shopping for a used vehicle. Devices can be used to conceal that a car is missing functioning airbags, even if inspected by a mechanic. It is important to also examine a Carfax or similar history of the vehicle before purchase to identify crashes that may have resulted in the deployment of airbags. In addition, it is recommended that the consumer perform a general online search of the VIN number of a prospective car purchase, which can often reveal photos of prior damage to the car.

The default judgment was ordered on April 25, 2024 by Judge William Woolley. The case was investigated by Kristen Zluticky of the District Attorney's Office.

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