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STATE OF OREGON
Marion County Circuit Courts
JAN 16 2002
FILED

CIRCUIT COURT OF OREGON
MARION COUNTY

IN THE MATTER OF:

Case No. 02C10454

KEVIN SCARBOROUGH, dba K & S
Enterprises,

ASSURANCE OF VOLUNTARY
COMPLIANCE

Respondent.

1.

This agreement is between KEVIN SCARBOROUGH, dba K & S Enterprises, and the Oregon Department of Justice (DOJ) acting pursuant to ORS 646.632(1). Kevin Scarborough dba K & S Enterprises sells household cleaning products door to door and is the Respondent herein. Respondent has sold cleaning products to Oregon consumers.

PROCEDURE

2.

This Assurance of Voluntary Compliance (AVC) is a settlement of a disputed matter. It shall not be considered an admission of a violation for any purpose.

3.

Respondent waives notice from the State of Oregon pursuant to ORS 646.632(2) of the alleged unlawful trade practice and the relief to be sought.

4.

Respondent understands and agrees this AVC applies to Respondent, his principals, officers, directors, agents, employees, representatives, successors and assigns, jointly and severally, while acting personally, or through any corporation or other business entities, whose acts, practices or policies are directed, formulated or controlled by Respondent.

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5.

Respondent agrees and understands that following acceptance of the AVC by DOJ, DOJ may communicate directly with respondent for the purpose of executing and enforcing the terms of this agreement, resolving future complaints, and conducting undercover investigations to the extent permitted by law of Respondent.

6.

Respondent understands and agrees that if this AVC is accepted by DOJ, it will be submitted to the Circuit Court of the State of Oregon for Marion County for approval, and, if approved, will be filed with the court pursuant to ORS 646.632(2).

7.

Respondent waives any further notice of submission to and filing with the court of this AVC. Respondent agrees to accept service of a conformed copy by prepaid first class mail sent to the address following Respondent's signature.

8.

If monies which are ordered to be paid in this AVC are not paid timely, DOJ may convert the AVC to a money judgment under ORS 646.632(2) without notice to respondent. Respondent agrees a copy of the money judgment may be sent to Respondent by first class mail, to the address following his signature.

9.

Respondent understands that, in addition to any other sanctions which may be imposed under this AVC or under the law, violation of any of the terms of this Assurance of Voluntary Compliance may result in contempt of court proceedings, civil penalties of up to \$25,000 for each violation, and such further relief as the court may deem appropriate. ORS 646.632(4), ORS 646.642(1) and ORS 646.642(2).

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10.

The parties acknowledge that no other promises, representations or agreements of any nature have been made or entered into by the parties. The parties further acknowledge that this Assurance constitutes a single and entire agreement that is not severable or divisible, except that if any provision herein is found to be legally insufficient or unenforceable, the remaining provisions shall continue in full force and effect.

REMEDIES

11.

Respondent shall obey Oregon's Unlawful Trade Practices Act, ORS 646.605 to ORS 646.656.

12.

Respondent shall not represent or imply that DOJ acquiesces or approves of past business practices; current efforts to reform their practices; or, any future practices which Respondent may adopt or consider adopting. DOJ's decision to settle this matter or to otherwise unilaterally limit current or future enforcement action does not constitute approval or imply authorization for any past, present, or future business practice.

13.

Immediately upon execution of this AVC, Respondent agrees to contribute the sum of \$1000 to the Oregon Department of Justice. The Department will use \$500 for its Consumer Protection and Education Revolving Fund under ORS 180.095 and \$500 will be donated to the Mid Valley Women's Crisis Service.

14.

Effective immediately upon execution by Respondent of this AVC, Respondent agrees to adhere to each of the following requirements:

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- 1 A. Pursuant to ORS 646.611 Respondent will within 30 seconds of a door to door
2 sales presentation provide identification of the sales person and whom the person
3 represents, the purpose of the call, a description in readily understood terms of
4 the goods offered for sale and inquiry whether the person solicited is interested
5 in listening to a sales presentation. Respondent will immediately discontinue
6 the presentation if a negative response is made by the consumer. During the
7 course of the solicitation Respondent will provide the total cost of the goods
8 offered for sale and the details of payment;
- 9 B. Pursuant to ORS 648.007 and 648.110 Respondent agrees to register his assumed
10 business name with the Oregon Secretary of State, Corporations Division; and,
- 11 C. Pursuant to ORS 128.002 Respondent will not solicit funds for non-profit
12 beneficiaries through the sale of goods or services unless registered with the
13 Attorney General of Oregon.
- 14

15 APPROVAL BY COURT

16 APPROVED FOR FILING and SO ORDERED this 16 day of

17 December, 2001:

18 January 2002

19 ISL DAD
20 _____
21 Circuit Court Judge

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