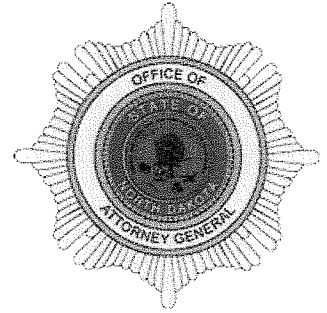




OFFICE OF ATTORNEY GENERAL
CONSUMER PROTECTION AND ANTITRUST DIVISION
GATEWAY PROFESSIONAL CENTER
1050 E INTERSTATE AVENUE, STE 200
BISMARCK, NORTH DAKOTA 58503-5574



701-328-5570 (Telephone)
701-328-5568 (Facsimile)

STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL

STATE OF NORTH DAKOTA EX REL.
WAYNE STENEHJEM,
ATTORNEY GENERAL,

Petitioner,

-vs-

PEOPLE'S CHOICE ASSISTANCE, LLC
MAE HOLDINGS CORP., and
MARK EBOHIMEN, Individually
DBA PC SOLUTIONS.

Respondents.

**CEASE AND DESIST ORDER,
NOTICE OF CIVIL PENALTY
AND NOTICE OF RIGHT
TO REQUEST A HEARING**

CPAT 150044.003

To each of the individuals and entities identified below (hereinafter collectively "Respondents"):

PEOPLE'S CHOICE ASSISTANCE LLC
DBA PC SOLUTIONS
9318 E COLONIAL DRIVE SUITE A 14
ORLANDO FL 32817-4175

MAE HOLDINGS CORP.
13104 MOSS PARK RIDGE DR
ORLANDO, FL 32832-7096

MARK EBOHIMEN
13104 MOSS PARK RIDGE DR
ORLANDO, FL 32832-7096

(including all of those entities' officers, directors, owners, agents, servants, employees and representatives as well as all other persons in active concert or participation with them,

extending to all "doing business as" names, formal corporate names, fictitious names of any kind or any variations of the same)

BACKGROUND

1. The Attorney General of North Dakota has a reasonable basis to believe Respondents have engaged in and are engaging in acts or practices declared unlawful by N.D.C.C. ch. 51-15, commonly referred to as the "Consumer Fraud Law;" N.D.C.C. ch. 51-18, commonly referred to as the "Home Solicitation Sales Law;" and N.D.C.C. ch. 51-28, commonly referred to as the "Do Not Call Law." It is necessary and appropriate in the public interest and for the protection of consumers to restrain the Respondents' unlawful acts or practices.

2. Respondents, individually and by and through their agents, are doing business under some or all of the names identified above, and have engaged in violations of North Dakota law by engaging in telephone solicitations in violation of the Do Not Call Law, by making false or misleading statements or misrepresentations in telephone solicitations aimed at North Dakota consumers, and by failing to comply with North Dakota's Home Solicitation Sales Law.

3. People's Choice Assistance, LLC is a Florida limited liability company with a registered address at 9318 E Colonial Drive Suite A 14, Orlando, FL 32817-4175. Mark Ebohimen is the managing member of People's Choice Assistance, LLC. It is also believed that Mark Ebohimen is the owner of MAE Holdings Corp. of 13104 Moss Park Ridge Dr., Orlando, FL 32832-7096, which is the manager of People's Choice Assistance, LLC.

4. Mark Ebohimen, People's Choice Assistance, LLC and MAE Holdings Corp. dba PC Solutions ("Respondents") are in the business of advertising, soliciting and selling merchandise, including services to lower interest rates on consumers' credit cards. Respondents, or Respondents' agents on Respondents' behalf, have solicited North Dakota customers through telemarketing.

5. Respondents have made untrue, deceptive and misleading representations to consumers. Respondents have sold merchandise to North Dakota consumers, without providing consumers with the necessary notices of right to cancel, and have charged consumers' credit cards without obtaining an original copy of a sales contract signed by the consumer. Respondents solicited North Dakota subscribers on the Do Not Call list using prerecorded messages.

7. The Attorney General's Office received a consumer complaint from a consumer who is properly registered in the Do Not Call list and who received a prerecorded message from Respondents, in violation of N.D.C.C. ch. 51-28, regarding lowering interest rate on her credit card.

8. Respondents called the consumer multiple times a day with a message stating "press 1 to lower your interest rate." The consumer pressed 1 and was transferred to a financial advisor. Respondents represented to the consumer that the lowering of interest rate was through the "Obama Act," which is trying to reduce consumer credit card debts. The consumer agreed to a balance transfer to obtain 0% interest for 36 months and 2.9%-6.9% for the lifetime of the card. The consumer only received 0% interest for 12 months after the transfer.

9. Respondents represented they could lower the consumer's credit card interest rates at no fee, and that the only fee for reducing the interest rate on the credit card would be with the institution where the credit card balance would be transferred. Nevertheless, Respondents charged \$795 to the consumer's credit card under the name "PC Solutions." The consumer maintains she did not authorize this payment.

10. Based on the consumer complaint and other information received, it appeared to the Attorney General that Respondents had engaged in violations of North Dakota law, and the Attorney General commenced an investigation into the Respondents' business practices. On April 7, 2015, the Attorney General issued a Civil Investigative Demand to Respondents pursuant to the Attorney General's authority under N.D.C.C. § 51-15-04.

11. Respondents did not respond to the Civil Investigative Demand. Respondents did not provide any of the documents requested or answer any of the questions asked in the Civil Investigative Demand. On May 12, 2015, the Attorney General sent a letter to Respondents requesting compliance with the Civil Investigative Demand. Respondents did not respond to the letter or the Civil Investigative Demand. Pursuant to N.D.C.C. § 51-15-07, the Attorney General may issue a cease and desist order for Respondents' failure to respond to the Civil Investigative Demand.

12. It appears to the Attorney General that Respondents, or Respondents' agents on Respondents' behalf, are engaged in in violations of N.D.C.C. ch. 51-28 by making telephone solicitations to telephone lines of subscribers in North Dakota who, for at least 31 days before the date the call is made, have been on the North Dakota or Federal Trade Commission do-not-call list. Further, it appears that Respondents have

engaged in the use of prerecorded messages in violation of N.D.C.C. ch. 51-28. Violations of N.D.C.C. ch. 51-28 are violations of N.D.C.C. ch. 51-15.

13. It appears that Respondents have made untrue, deceptive and misleading representations, and/or have made or engaged in deceptive acts or practices, fraud, false pretenses, false promises or misrepresentations with the intent that others rely thereon, in violation of N.D.C.C. ch. 51-15, the Consumer Fraud Law, during their telephone solicitations to North Dakota subscribers.

14. It further appears to the Attorney General that Respondents are marketing, soliciting and selling merchandise to North Dakota consumers, without providing consumers with the necessary notices of right to cancel, as required by the North Dakota Home Solicitation Sales statute, N.D.C.C. ch. 51-18, and are soliciting or accepting payments from North Dakota consumers prior to receiving an original copy of a sales contract signed by the consumer, in violation of N.D.C.C. § 51-18-04.2. Violations of N.D.C.C. ch. 51-18 are violations of N.D.C.C. ch. 51-15.

15. Respondents are engaged in a combination of two or more persons who have agreed to act together to inflict a wrong or an injury upon another, or who have agreed to act together to commit a lawful act using unlawful means to inflict a wrong or injury upon another, namely violation of North Dakota's Consumer Fraud, Home Solicitation Statute, and Do Not Call Law. In doing so, Respondents have committed acts in pursuit of the agreement and the agreement has proximately caused damage to North Dakota consumers.

16. Respondents are liable for their own misconduct and/or for directing others to engage in misconduct. See *e.g. Zimprich v. North Dakota Harvestore Sys.*,

Inc., 419 N.W.2d 912, 914 (N.D. 1988); *Rickbeil v. Grafton Deaconess Hosp.*, 23 N.W.2d 247, 257 (N.D. 1946)("The general rule with reference to this feature is considered and set out in the great series of volumes of jurisprudence familiar to the courts. In 52 Am. Jur., 440, this rule is stated, 'It is a conceded general rule that all persons or entities are liable for torts committed by them, or by their agents while acting within the scope of their duties.'").

17. Respondents who are natural persons will additionally be subject to personal liability for corporate misconduct. *Hilzendager v. Skwarok*, 335 N.W.2d 768 (N.D. 1983)(quoting *Schriock v. Schriock*, 128 N.W.2d 852, 866 (N.D. 1964)("... but, when the notion of legal entity is used to defeat public convenience, justify wrong, protect fraud, or defend crime, the law will regard the corporation as an association of persons.' Fletcher, Private Corporations Sec. 41 (1963 rev. vol.)"). The crime/fraud exception to the protections of corporate form has long been recognized in North Dakota, "neither law nor equity will ever recognize the right of a corporate entity to become the receptacle or cover for fraud or wrong based on deception for the purpose of defeating the right of innocent parties." *McFadden v. Jenkins*, 169 N.W. 151, 163 (N.D. 1918). See also *Danks v. Holland*, 246 N.W.2d 86 (N.D. 1976); *Family Center Drug v. North Dakota St. Bd. of Pharm.*, 181 N.W.2d 738, 745 (N.D. 1970).

ORDER

Based upon the foregoing information, it appears to the Attorney General that Respondents have engaged in violations of N.D.C.C. chs. 51-28, 51-18, and 51-15 and Respondents have failed or refused to respond to the Civil Investigative Demand as required by N.D.C.C. § 51-15-04; **NOW, THEREFORE, IT IS ORDERED** pursuant to

N.D.C.C. § 51-15-07 that Respondents, individually, and where applicable their officers, directors, owners, agents, servants, employees, contractors, representatives (extending to all "doing business as" names, formal corporate names, aliases, fictitious names of any kind or any variations of the same) as well as all other persons in active concert or participation with them, whether directly or indirectly, immediately **CEASE AND DESIST** from: 1) soliciting or selling services and/or merchandise as defined in N.D.C.C. § 51-15-01(3), including lowering interest rate services, to North Dakota consumers; 2) soliciting consumers using untrue, deceptive or misleading representations or engaging in deceptive acts or practices, fraud, false pretenses, false promises or misrepresentations with the intent that consumers rely thereon, in violation of N.D.C.C. § 51-15-02; 3) advertising, soliciting, or selling merchandise to North Dakota consumers without providing the consumer the written and verbal notice of rights to cancel as required by N.D.C.C. ch. 51-18; 4) soliciting or accepting any payment from a North Dakota consumer before Respondents have received an original copy of the sales contract signed by the consumer, in violation of N.D.C.C. § 51-18-04.2; 5) engaging in telephone solicitations to the telephone line of any subscriber in North Dakota who, for at least 31 days before the date the call is made, has been on the North Dakota or Federal Trade Commission do-not-call list; and 6) engaging in the use of prerecorded messages, in violation of N.D.C.C. ch. 51-28. Respondents also shall immediately **CEASE AND DESIST** from issuing any invoices or bills to North Dakota consumers for any services or merchandise and **CEASE AND DESIST** from taking any payments from North Dakota consumers including, but not limited to, direct debits or

withdrawals from North Dakota consumers' bank accounts, cash, checks, or credit card payments for the sale of merchandise as defined in N.D.C.C. § 51-15-01(3).

YOU ARE NOTIFIED that pursuant to N.D.C.C. § 12.1-09-03 a person is guilty of a criminal offense if he or she intentionally "alters, destroys, mutilates, conceals, or removes a record, document, or thing with intent to impair its verity or availability" in an official proceeding. As such, intentional destruction of any documents related to this matter may result in criminal prosecution.

NOTICE OF CIVIL PENALTIES

YOU ARE FURTHER NOTIFIED that pursuant to N.D.C.C. § 51-15-07 any violation of this Cease and Desist Order is subject to civil penalties not to exceed \$1,000 per violation. Any violation of this Order that also is a violation of N.D.C.C. ch. 51-15 may result in additional civil penalties of not more than \$5,000 per violation. Any violation of this Order that also is a violation of N.D.C.C. ch. 51-18 may result in additional civil penalties of not more than \$5,000 per violation and is a Class B misdemeanor. Any violation of this Order that also is a violation of N.D.C.C. ch. 51-28 may result in additional civil penalties of not more than \$2,000 per violation and additional civil penalties of not more than \$5,000 per violation as a separate violation of N.D.C.C. ch. 51-15. Such penalties are separate and in addition to any civil penalties, costs, expenses, investigation fees, and attorney fees pursuant to N.D.C.C. ch. 51-15 or any other applicable statute. Nothing in this Order is intended to limit or waive any rights and remedies available to the State of North Dakota or consumers.

NOTICE OF RIGHT TO REQUEST HEARING

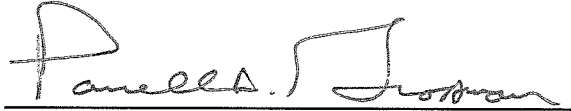
YOU ARE NOTIFIED that pursuant to N.D.C.C. § 51-15-07 you may request a hearing before the Attorney General if such a request is made in writing WITHIN TEN (10) DAYS AFTER THE RECEIPT OF THIS ORDER. Respondents have the right to be represented by legal counsel at the hearing at the Respondents' expense.

Dated this 17th day of August, 2015.

STATE OF NORTH DAKOTA

Wayne Stenehjem
Attorney General

BY:



Parrell D. Grossman, ID No. 04684
Assistant Attorney General
Director
Consumer Protection and
Antitrust Division
Office of Attorney General
Gateway Professional Center
1050 E. Interstate Ave., Suite 200
Bismarck, ND 58503-5574
(701) 328-3404

STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL

STATE OF NORTH DAKOTA EX REL.
WAYNE STENEHJEM,
ATTORNEY GENERAL,

Petitioner,

-vs-

PEOPLE'S CHOICE ASSISTANCE, LLC
DBA PC SOLUTIONS,
MAE HOLDINGS CORP., and
MARK EBOHIMEN, Individually.

Respondents.

**AFFIDAVIT OF SERVICE
BY FIRST CLASS MAIL
AND CERTIFIED MAIL**

CPAT 150044.003

STATE OF NORTH DAKOTA)
) ss
COUNTY OF BURLEIGH)

1. Jessica Seibel states under oath as follows:
2. I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct and made upon personal knowledge.
3. I am of legal age and on the 17th day of August, 2015, I served (1) CEASE AND DESIST ORDER, NOTICE OF CIVIL PENALTY AND NOTICE OF RIGHT TO REQUEST A HEARING, AND (2) AFFIDAVIT OF SERVICE BY FIRST CLASS MAIL AND CERTIFIED Mail upon the following by placing a true and correct copies thereof in an envelope addressed as follows:

FRIST CLASS MAIL

PEOPLE'S CHOICE ASSISTANCE LLC
DBA PC SOLUTIONS
9318 E COLONIAL DRIVE SUITE A 14
ORLANDO FL 32817-4175

CERTIFIED MAIL RECEIPT # 7013 1090 0000 5841 4432

PEOPLE'S CHOICE ASSISTANCE LLC
DBA PC SOLUTIONS
9318 E COLONIAL DRIVE SUITE A 14
ORLANDO FL 32817-4175

FRIST CLASS MAIL

MAE HOLDINGS CORP.
13104 MOSS PARK RIDGE DR
ORLANDO FL 32832-7096

CERTIFIED MAIL RECEIPT # 7013 1090 0000 5841 4449

MAE HOLDINGS CORP.
13104 MOSS PARK RIDGE DR
ORLANDO FL 32832-7096

FRIST CLASS MAIL

MARK EBOHIMEN
13104 MOSS PARK RIDGE DR
ORLANDO FL 32832-7096

CERTIFIED MAIL RECEIPT # 7013 1090 0000 5841 4456

MARK EBOHIMEN
13104 MOSS PARK RIDGE DR
ORLANDO FL 32832-7096

and depositing the same, with postage prepaid, in the United States mail at Bismarck,
North Dakota.

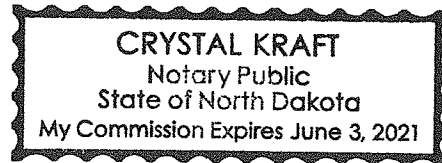


Jessica Seibel

Subscribed and sworn to before me
this 17th day of August, 2015.



NOTARY PUBLIC



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[News Release](#)