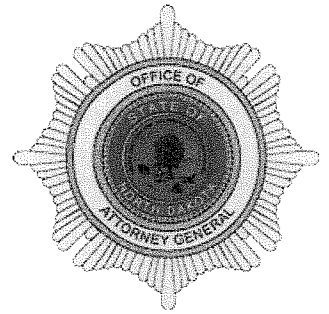




OFFICE OF ATTORNEY GENERAL
CONSUMER PROTECTION AND ANTITRUST DIVISION
GATEWAY PROFESSIONAL CENTER
1050 E INTERSTATE AVENUE, STE 200
BISMARCK, NORTH DAKOTA 58503-5574



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-

ALL IN THE FAMILY MOVING AND
STORAGE NE, INC., ABLE MOVING &
STORAGE, MAJESTIC MOVERS, INC.,

Respondents.

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

CPAT 170183.002

To the individuals identified below ("Respondents"):

ALL IN THE FAMILY MOVING AND
STORAGE NE, INC.
ABLE MOVING & STORAGE, INC.
MAJESTIC MOVERS, INC.
1010 LAKE STREET
SUITE 200
OAK PARK, IL 60301

ALL IN THE FAMILY MOVING AND
STORAGE NE, INC.
ABLE MOVING & STORAGE, INC.
MAJESTIC MOVERS, INC.
2747 CONEY ISLAND AVE
BROOKLYN, NY 11235

BACKGROUND

1. The Attorney General of North Dakota has a reasonable basis to believe Respondents have engaged in, or is engaging in, acts or practices declared unlawful by N.D.C.C. ch. 51-15, commonly referred to as the "Consumer Fraud 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 acting, using, or employing deceptive acts or practices, fraud, false pretense, false promise, or misrepresentation, with the intent that others rely thereon in connection with the sale or advertisement of merchandise.

3. Respondents are or were registered in multiple states and do business under multiple names.

4. In connection with their state or Department of Transportation filings, Respondents ALL IN THE FAMILY MOVING AND STORAGE NE, INC. and ABLE MOVING & STORAGE, INC. reported addresses in Pennsylvania, at 3477 Corporate Parkway, Suite 139, Center Valley, PA 18034, and Missouri, at address 2300 Main Street, Floor 9, Kansas City, MO 64108.

5. In connection with their state or Department of Transportation filings, Respondent MAJESTIC MOVERS, INC. reported addresses in Illinois, at 1010 Lake Street, Suite 200, Oak Park, IL 60301, and in New York, at 2747 Coney Island Avenue, Brooklyn, NY 11235.

6. Respondents are in the business of soliciting and selling merchandise, including engaging in the sale of moving services. Respondents, or Respondents' agents on Respondents' behalf, have, at minimum, contracted with consumers moving into North Dakota, provided moving services in North Dakota, and been paid for their services in North Dakota.

7. Respondents acted, used, or employed deceptive acts or practices, fraud, false pretense, false promise, or misrepresentation, with the intent that others rely thereon in connection with the sale or advertisement of their moving services, in violation of N.D.C.C. § 51-15-02.

8. On August 31, 2017, the Consumer Protection and Antitrust Division of the Attorney General's Office received a consumer fraud complaint against Respondents, doing business as Able Moving & Storage, Inc. and Majestic Movers, Inc. The consumer alleged that she paid Respondents \$2,004.00 on July 7, 2017 pursuant to a \$6,200.00 estimate Respondents provided to the consumer. Respondents arrived several hours late and tore the consumer's carpet while loading her belongings. After loading the consumer's belongings, Respondents provided a "final price" of \$10,500.00. In their contract with the consumer, Respondents indicated that they were rescinding their prior estimate, through the use of boilerplate language, due to the consumer having "significantly altered the circumstances surrounding [her] move from which [she] first requested an estimate."

9. Respondent's contract specifically references federal law: 49 CFR 375.403(a)(5)(ii) and 49 CFR 375.406(b)(7), neither of which exist. 49 CFR 375.403(a)(6)(ii) requires that a mover "negotiate a revised written binding estimate accurately listing, in detail, the additional goods or services," *before loading the shipment*. Contrary to this requirement, Respondents submitted their "final price" to the consumer after loading her belongings onto their truck.

10. The consumer issued a personal check to Respondents for delivery of her belongings in Minot, North Dakota, but Respondents refused to accept the consumer's

check, stating that they did not receive it, and insisting that they would only accept payment by wire transfer into an unknown Bank of America account. Respondents demanded payment by wire transfer despite their contract with the consumer stating, "At delivery the balance is due prior to unloading in the form of Post Office Money Order or Cash only."

11. The consumer's belongings were to be delivered on July 25, 2017, but Respondents failed to do so despite being issued payment. Respondents would not respond to the consumer's communications, including telephone calls and e-mails.

12. After receiving the consumer's complaint, investigators with the Attorney General's Office attempted to mediate the complaint and assist the consumer in recovering her belongings. Except for an initial response that did not respond to the substance of the consumer's complaint or investigators' inquiries, Respondents refused to respond to investigators.

13. On September 26, 2017, after Respondents failed to communicate with the Attorney General, the Attorney General issued a Civil Investigative Demand to Respondents to initiate a formal investigation. On September 28, 2017, certified mailings of the Attorney General's Civil Investigative Demand were signed for at Respondents' Kansas City, MO; Center Valley, PA; and Oak Park, IL addresses. The certified mailing of the Attorney General's Civil Investigative Demand to Respondents in Brooklyn, NY was also signed for, though date of receipt was not provided.

14. On October 23, 2017, after Respondents failed to comply with the Attorney General's Civil Investigative Demand, the Attorney General mailed a letter to Respondents requesting their compliance on or before November 6, 2017.

Respondents did not comply with the Attorney General's Civil Investigative Demand, and did not otherwise communicate with the Attorney General.

15. On October 31, 2017, the consumer recovered her belongings, but was only able to do so after investigators with the Federal Motor Carrier Safety Administration of the United States Department of Transportation intervened and located Respondents and the consumer's belongings. When Respondents attempted to charge the consumer more to recover her property, federal investigators required Respondents to accept payment according to the original terms.

16. Investigators with the Attorney General learned that consumers from all over the country have filed complaints against Respondents alleging fraud, deception, and misrepresentation.

17. Respondent ALL IN THE FAMILY MOVING AND STORAGE NE, INC. holds or held United States Department of Transportation Number 1816230.

18. Respondent MAJESTIC MOVERS, INC. holds or held United States Department of Transportation Number 2272969.

19. It appears to the Attorney General that Respondents, or Respondents' agents on Respondents' behalf, engaged in violations of N.D.C.C. ch. 51-15 by acting, using, or employing deceptive acts or practices, fraud, false pretense, false promise, or misrepresentation, with the intent that other rely thereon in connection with the sale or advertisement of moving services.

ORDER

Based upon the foregoing information, it appears to the Attorney General that Respondents have engaged in violations of N.D.C.C. ch. 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, immediately **CEASE AND DESIST** from acting, using, or employing any deceptive acts or practices, fraud, false pretense, false promise, or misrepresentation, with the intent that others rely thereon in connection with the sale or advertisement of any merchandise in the State of North Dakota. 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 \$1,000.00 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 \$5,000.00 per violation. 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.

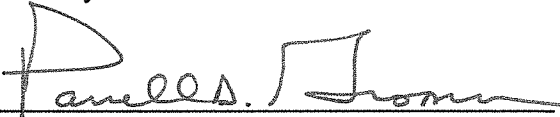
Nothing in this Order is intended to limit or waive any rights and remedies available to the State of North Dakota or consumers.

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 16th day of November, 2017.

STATE OF NORTH DAKOTA
Wayne Stenehjem
Attorney General

BY: 
Parrell D. Grossman, NDBID 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) 328-5570

STATE OF NORTH DAKOTA
BURLEIGH COUNTY

BEFORE THE
ATTORNEY GENERAL

IN THE MATTER OF:

ALL IN THE FAMILY MOVING AND
STORAGE NE INC., ABLE MOVING &
STORAGE, MAJESTIC MOVERS, INC.,

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

Respondent

CPAT 170183.002

STATE OF NORTH DAKOTA)
) ss
COUNTY OF BURLEIGH)

[¶1] Alexis Bieber states under oath as follows: I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct and made upon personal knowledge.

[¶2] I am of legal age and on the 16th day of November, 2017 I served the (1) CEASE AND DESIST ORDER, NOTICE OF CIVIL PENALTY AND NOTICE OF RIGHT TO REQUEST A HEARING, AND (2) AFFIDAVIT OF SERVICE BY MAIL AND CERTIFIED MAIL upon the following by placing true and correct copies thereof in an envelope addressed as follows:

FIRST CLASS MAIL

CERTIFIED MAIL RECEIPT # 7014 1820 0000 9090 9714

ALL IN THE FAMILY MOVING AND
STORAGE NE INC
ABLE MOVING & STORAGE INC
MAJESTIC MOVERS INC
1010 LAKE STREET STE 200
OAK PARK IL 60301

ALL IN THE FAMILY MOVING AND
STORAGE NE INC
ABLE MOVING & STORAGE INC
MAJESTIC MOVERS INC
1010 LAKE STREET STE 200
OAK PARK IL 60301

FIRST CLASS MAIL

CERTIFIED MAIL RECEIPT # 7014 1820 0000 9090 9707

ALL IN THE FAMILY MOVING AND
STORAGE NE INC
ABLE MOVING & STORAGE INC
MAJESTIC MOVERS INC
2747 CONEY ISLAND AVENUE
BROOKLYN NY 11235

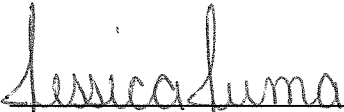
ALL IN THE FAMILY MOVING AND
STORAGE NE INC
ABLE MOVING & STORAGE INC
MAJESTIC MOVERS INC
2747 CONEY ISLAND AVENUE
BROOKLYN NY 11235

and depositing the same, with postage prepaid, in the United States mail at Bismarck,
North Dakota, as first class mail and as CERTIFIED MAIL, RETURN RECEIPT
REQUESTED.



Alexis Bieber

Subscribed and sworn to before me
this 16th day of November, 2017.



NOTARY PUBLIC

