



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-

PATRICK PELTIER,

Respondent.

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

CPAT 180113.002

To the individuals identified below ("Respondent"):

PATRICK PELTIER
 1036 ELM ST.
 BOTTINEAU, ND 58318

BACKGROUND

1. The Attorney General of North Dakota has a reasonable basis to believe Respondent has engaged in, or is engaging in, acts or practices declared unlawful by N.D.C.C. ch. 43-07, commonly referred to as the "Contractors Law" and 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 Respondent's unlawful acts or practices.

2. Respondent, individually and by and through his agents, is doing business under some or all of the names identified above, and has engaged in violations of North Dakota law by: 1) engaging in the business of or acting in the capacity of a contractor within North Dakota when the cost, value, or price per job exceeds the sum of four thousand dollars without first having a license provided in accordance with N.D.C.C. ch. 43-07; and 2) engaging in violations of N.D.C.C. ch. 43-07 and thereby violating N.D.C.C. § 51-15-02.

3. Respondent's last known address is 1036 Elm St., Bottineau, ND 58318. Respondent operated as a sole proprietor in North Dakota.

4. Respondent is in the business of soliciting and selling merchandise, including performing building construction work. Respondent, or Respondent's agents on Respondent's behalf, solicited North Dakota customers.

5. Respondent engaged in the business or acted in the capacity of a contractor within North Dakota when the cost, value, or price per job exceeded the sum of four thousand dollars without first having a license. Under N.D.C.C. § 43-07-14(3), any person engaging in the business or acting in the capacity of a contractor in violation of N.D.C.C. § 43-07-02 subjects the unlicensed person to all provisions, procedures, remedies, and penalties provided for in chapter 51-15.

6. On May 30, 2018, the Attorney General received a consumer complaint from a consumer in Bottineau, North Dakota. According to the consumer, on May 10, 2018, she entered into a \$6,000.00 contract with Respondent and paid to him advance payments totaling \$3,000.00. Respondent contracted to remove cement from the consumer's home and replace it with pavers. The consumer's advance payment was

intended for purchase of the necessary pavers for the job. After contracting with Respondent, the consumer arranged to have the work performed, including by ordering brick herself. Thereafter, the consumer put in significant effort to arrange delivery of the pavers before removal of the existing concrete was completed. After the consumer confirmed that the pavers would be delivered, Respondent attempted to solicit additional funds from the consumer to pay for the pavers. Respondent admitted that he spent the consumer's money to pay for repairs for his truck ("to get it out of the garage"), instead of for purchase of the pavers as he represented. The consumer requested a refund that Respondent failed or refused to provide.

7. Based on information received, it appears to the Attorney General that Respondent is or was engaged in violations of North Dakota law. Pursuant to N.D.C.C. § 51-15-06.1, on June 14, 2018, the Attorney General offered an Assurance of Voluntary Compliance ("AVC") to Respondent to settle his violations of N.D.C.C. §§ 43-07-02 and 51-15-02 without investigation and litigation. The Attorney General requested return of the AVC on or before June 28, 2018.

8. On June 29, 2018, Respondent contacted the Attorney General and requested additional time to accept the AVC. The Attorney General granted Respondent an extension for his acceptance to July 23, 2018.

9. On July 30, 2018, the Attorney General sent a letter to Respondent requesting that Respondent complete and return the AVC on or before August 13, 2018. Respondent did not respond.

10. On August 16, 2018, the Attorney General issued a Civil Investigative Demand ("CID") to Respondent pursuant to the Attorney General's authority under

N.D.C.C. § 51-15-04. The CID was sent to Respondent at his last known address. The CID required response by August 30, 2018. In lieu of responding to the CID, the Attorney General offered Respondent another opportunity to return the AVC if he contacted the Attorney General before his compliance with the CID was required. Respondent did not contact the Attorney General to accept the AVC, and did not respond to the CID.

11. Respondent did not comply with the Attorney General's Civil Investigative Demand. Pursuant to N.D.C.C. § 51-15-07, the Attorney General may issue a cease and desist order for Respondent's failure to respond to the Civil Investigative Demand.

12. On September 11, 2018, the Attorney General sent the Respondent another letter advising him that, in addition to his civil violations of law, his conduct constituted criminal violations of the law, specifically N.D.C.C. § 43-07-02, including a class A misdemeanor for contracting without a license and a class C felony for construction fraud, including abandonment of a construction project. That letter provided the Respondent a draft copy of the Cease & Desist Order that likely would be issued, including a warning that the Respondent could be permanently banned from contracting in North Dakota and provided the Respondent 15 more days to resolve the matter with the consumer and the Attorney General. The Respondent failed to respond in any manner that resolved the matter.

13. It appears to the Attorney General that Respondent, or Respondent's agents on Respondent's behalf, engaged in violations of N.D.C.C. chs. 43-07 and 51-15 by engaging in the business or acting in the capacity of a contractor within North Dakota

when the cost, value, or price per job exceeded the sum of four thousand dollars without first having a license granted by the Secretary of State.

ORDER

Based upon the foregoing information, it appears to the Attorney General that Respondent has engaged in, or is engaged in, violations of N.D.C.C. chs. 43-07 and 51-15 and Respondent has 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 Respondent immediately **CEASE AND DESIST** from: 1) soliciting or selling services and/or merchandise, as defined by N.D.C.C. § 51-15-01(3), to North Dakota consumers, including while engaged in the business of, or acting in the capacity of a contractor within the meaning of N.C.C.C. § 43-07-01(1); 2) engaging in the business or acting in the capacity of a contractor within North Dakota when the cost, value, or price per job exceeds the sum of four thousand dollars without first having a license provided in accordance with N.D.C.C. ch. 43-07; and 3) 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. Respondent 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

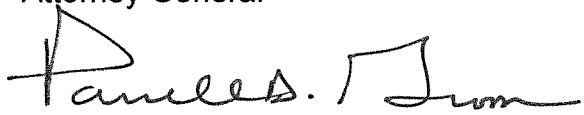
YOU ARE NOTIFIED that pursuant to N.D.C.C. § 51-15-07 you may request a hearing before the Attorney General if such a request is made in writing WITHIN TEN (10) DAYS AFTER THE RECEIPT OF THIS ORDER. Respondent has the right to be represented by legal counsel at the hearing at Respondent's expense.

Dated this 2nd day of January, 2019.

STATE OF NORTH DAKOTA

Wayne Stenehjem
Attorney General

BY:

A handwritten signature in black ink, appearing to read "Parrell D. Grossman", written over a horizontal line.

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:

PATRICK PELTIER,

Respondent

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

CPAT 180113.002

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 2nd day of January, 2019 I served the CEASE AND DESIST ORDER, NOTICE OF CIVIL PENALTY AND NOTICE OF RIGHT TO REQUEST A HEARING upon the following by placing true and correct copies thereof in an envelope addressed as follows:

FIRST CLASS MAIL

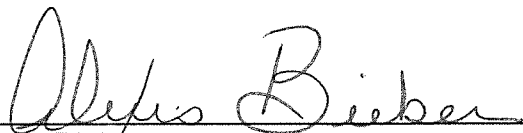
PATRICK PELTIER
1036 ELM STREET
BOTTINEAU, ND 58318

CERTIFIED MAIL RECEIPT # 7014 1820 0000 9090 8854

PATRICK PELTIER
1036 ELM STREET
BOTTINEAU, ND 58318

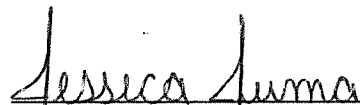
and depositing the same, with postage prepaid, in the United States mail at Bismarck, North Dakota, as first class mail and as CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

[¶]3]Also on the 2nd day of January, 2019 I served the CEASE AND DESIST ORDER, NOTICE OF CIVIL PENALTY AND NOTICE OF RIGHT TO REQUEST A HEARING upon Respondents via electronic mail by e-mailing the document to patrickpeltier65@gmail.com.



Alexis Bieber

Subscribed and sworn to before me
this 2nd day of January, 2019.



NOTARY PUBLIC

