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STATE OF NORTH DAKOTA
 OFFICE OF ATTORNEY GENERAL

STATE OF NORTH DAKOTA EX REL.
 DREW H. WRIGLEY,
 ATTORNEY GENERAL,

Petitioner,

-vs-

NU LIFE INSTITUTE LLC, and
 EDWARD BACA III, individually.

Respondents.

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

CPAT 220166.002

To the individuals identified below ("Respondents"):

NU LIFE INSTITUTE LLC
 C/O LURA BARUA
 GG INTERNATIONAL
 6628 SKY POINTE DR STE 129
 LAS VEGAS NV 89131-4076

EDWARD BACA III
 NU LIFE INSTITUTE LLC
 7260 W AZURE DR STE 140-2639
 LAS VEGAS NV 89130-7999

EDWARD BACA III
 11143 ASH MOUNTAIN ST
 LAS VEGAS NV 89179-1205

[¶1] It appears to the Attorney General that Respondents have engaged in and are engaging in acts or practices declared unlawful by North Dakota Century Code (N.D.C.C.) ch. 51-15, “Unlawful Sales or Advertising Practices,” and have failed and refused to respond to a Civil Investigative Demand issued by the attorney general under N.D.C.C. §51-15-04. It is necessary and appropriate in the public interest and for the protection of North Dakota residents to restrain Respondents’ unlawful acts or practices.

AUTHORITY

[¶2] N.D.C.C. § 51-15-07 provides the Attorney General may issue a Cease and Desist Order, which the attorney general deems necessary or appropriate in the public interest, and without notice and hearing, when it appears to the attorney general that a person has engaged in, or is engaging in, a practice declared to be unlawful by N.D.C.C. chapter 51-15, or by other provisions of law, including if a person fails or refuses to file a statement or report, or to obey a subpoena issued by the attorney general under chapter 51-15, or under other provisions of law.

RESPONDENTS

[¶3] Respondent Nu Life Institute LLC is a Nevada limited liability company with a principal place of business at 7260 W Azure Dr Ste 140-2639, Las Vegas, NV 89130-7999. Nu Life Institute LLC is not registered in the State of North Dakota. Nu Life Institute LLC’s registered agent in Nevada is GG International at 6628 Sky Pointe Dr Ste 129, Las Vegas, NV 89131-4076.

[¶4] Respondent Edward Baca III is the owner and managing member of Nu Life Institute LLC, and resides at 11143 Ash Mountain St, Las Vegas, NV 89179-1205.

[¶5] Respondents Nu Life Institute LLC and Edward Baca III (“Nu Life Institute”) Respondents are or were in the business of soliciting and selling merchandise in the State of North Dakota, including health products and makeup.

VIOLATIONS OF LAW

[¶6] Nu Life Institute is the subject of a consumer complaint alleging Nu Life Institute engaged in deceptive acts or practices in violation of N.D.C.C. § 51-15-02, including misrepresenting Nu Life Institute’s products offered and sold, and falsely representing that Nu Life Institute’s products have qualities or benefits they do not have.

[¶7] Based on the complaint and information received, it appeared to the Attorney General that Nu Life Institute has engaged in or is engaging in acts or practices declared unlawful by N.D.C.C. ch. 51-15, the “Consumer Fraud Law.”

[¶8] Pursuant to N.D.C.C. §51-15-02, “[t]he act, use, or employment by any person of any deceptive act or practice, fraud, false pretense, false promise, or misrepresentation, with the intent that others rely thereon in connection with the sale or advertisement of any merchandise, whether or not any person has in fact been misled, deceived, or damaged thereby, is declared to be an unlawful practice.”

[¶9] Nu Life Institute, while soliciting and selling merchandise to North Dakota persons, appears to have engaged in deceptive acts or practices, fraud, false pretenses, false promises, or misrepresentations with the intent that a person rely thereon in connection with the sale or advertisement of merchandise in North Dakota, in violation of N.D.C.C. §51-15-02.

[¶10] Based on the acts and practices summarized below, the Attorney General has determined that it is necessary and appropriate in the public interest and for the protection of consumers to restrain Nu Life Institute’s unlawful acts or practices.

SUMMARY OF FACTS

[¶11] On August 29, 2022, the Attorney General received a consumer complaint on behalf of an elderly North Dakota consumer, alleging that Nu Life Institute sold a product to the consumer falsely representing that the product would help with macular degeneration. Nu Life Institute maintains the consumer purchased a makeup kit, consisting of wrinkle cream, and that the makeup kit was shipped and received by the consumer. However, the consumer never received the product the consumer ordered from Respondents, and Respondents are refusing to cancel and refund the consumer's order.

[¶12] Nu Life Institute charged the consumer \$844 for a product Nu Life Institute falsely represented would help the consumer with her macular degeneration and a product the consumer never received.

[¶13] When the consumer disputed the charge with the consumer's credit card company, Nu Life Institute fought the dispute, falsely representing that Nu Life Institute has a taped verification of the consumer's order. Nu Life Institute repeatedly called the consumer and threatened the consumer that the police would come after the consumer if the consumer did not remove the dispute to the credit card charge.

[¶14] On September 26, 2022, based on the complaints and other information received and pursuant to N.D.C.C. § 51-15-04, the Attorney General sent a letter to Nu Life Institute requesting information and documentation regarding Nu Life Institute's business practices and merchandise offered in the State, including all recorded verifications of sale involving North Dakota consumers. Nu Life Institute's response to the request was due October 7, 2022. Nu Life Institute did not respond to the request.

[¶15] On October 7, 2022, the Attorney General's Consumer Protection Division received a phone call from Edward Baca III regarding the consumer complaint and the September 26th request for information. Mr. Baca insisted the relative who filed the consumer complaints on behalf of the elderly consumer is lying about what the consumer ordered and about not receiving the order. When asked about the taped verification of the order, Mr. Baca admitted that there is no taped verification of the consumer's order, despite his representation to the consumer's credit card company. Mr. Baca stated that he will not provide the information and documents requested. Mr. Baca also stated that Nu Life Institute will not refund the consumer because of all the work they had to do to respond to the consumer complaint and the credit card dispute.

[¶16] On October 26, 2022, pursuant to the authority provided in N.D.C.C. § 51-15-04, the Attorney General issued a Civil Investigative Demand ("CID") to Nu Life Institute, LLC and Edward Baca III.

[¶17] On October 31, 2022, the certified mail containing the CID was delivered to Nu Life Institute, LLC's registered agent GG International, 6628 Sky Pointe Dr Ste 129, Las Vegas NV 89131-4076 on October 29, 2022. The CID was also delivered to Edward Baca III via email to nulifeinstitute@aol.com on October 26, 2022.

[¶18] The CID issued to Nu Life Institute, LLC and Edward Baca III required the production of documents and information on or before November 25, 2022. Nu Life Institute, LLC and Edward Baca III did not comply with the CID.

[¶19] Based on the facts above, it appears to the Attorney General that Nu Life Institute, LLC and Edward Baca III are or were engaged in violation of N.D.C.C. ch. 51-15, failed to

comply with the September 26th letter requesting information and documentation, and failed to comply with the October 26th CID issued by the Attorney General.

ORDER

[¶20] It appears to the Attorney General that Nu Life Institute, LLC and Edward Baca III have engaged in, or are engaged in, violations of N.D.C.C. ch. 51-15 and have failed to comply with formal requests and a Civil Investigative Demand issued to them. **NOW, THEREFORE, IT IS ORDERED** pursuant to N.D.C.C. § 51-15-07 that Respondents immediately **CEASE AND DESIST** from: 1) soliciting or selling merchandise, as defined by N.D.C.C. § 51-15-01(3), including health care products, to North Dakota persons; and 2) soliciting or offering merchandise for sale 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. Respondents also shall immediately **CEASE AND DESIST** from taking any payments from North Dakota persons 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).

[¶21] **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

[¶22] **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

[¶23] **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 RECEIPT OF THIS ORDER. Respondents have the right to be represented by legal counsel at the hearing at Respondents' expense.

Dated this 19th day of January, 2023.

STATE OF NORTH DAKOTA

Drew H. Wrigley
Attorney General

BY:



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