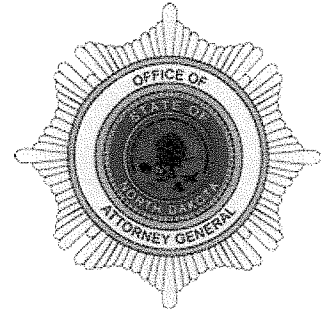




OFFICE OF ATTORNEY GENERAL
 CONSUMER PROTECTION AND ANTITRUST DIVISION
 GATEWAY PROFESSIONAL CENTER
 1050 E INTERSTATE AVENUE, STE 200
 BISMARCK, NORTH DAKOTA 58503-5574



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,

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

-vs-

MARK HOWARD PATRICK CARLSON
 doing business as
PERFECTION CONSTRUCTION

Respondent.

CPAT # 150096.001

.....
To the individual and entity identified below (hereinafter "Respondent"):

Mark Howard Patrick Carlson
 2418 N 7th St
 Bismarck, ND 58503-1162

C/O

Burleigh County Detention Center
 Box 1416
 Bismarck, ND 58502-1416

(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 Respondent has 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;" and N.D.C.C. ch. 43-07, commonly referred to as the "Contractors Law." It is necessary and appropriate in the public interest and for the protection of consumers to restrain Respondent's unlawful acts or practices.

2. Respondent Mark Howard Patrick Carlson, doing business as Perfection Construction, has engaged in advertising and soliciting the sale of merchandise, including but not limited to, contracting services to install concrete. Respondent engaged in contracting business and acted in the capacity of a contractor when the cost, value, or price of the job exceeded the sum of two thousand dollars. During this time, Respondent did not have a contractor's license as required by N.D.C.C. ch. 43-07, and given Respondent's criminal history, including numerous felony convictions for theft of property, it is unlikely he would have been issued a contractor's license.

3. The Attorney General's Consumer Protection Division began an investigation into Respondent's business practices after receiving a complaint from a consumer that Respondent had solicited and accepted an advance deposit in the amount of \$15,000 to lay his building's foundation. Respondent moved some dirt, but never started the work on the building. An investigator from the Attorney General's office contacted Respondent on April 20, 2015 to discuss the complaint, and during the telephone call Respondent admitted to entering into multiple contracts over \$2,000 and operating without a contractor's license. Respondent then abruptly terminated the telephone call, and did not return any voicemail messages. It was later discovered that

Respondent had solicited and accepted an advance deposit from the consumer's neighbor in the amount of \$5,000 to lay the foundation of his shop. However, he only moved some dirt onto the property and then failed to finish the project.

4. On April 29, 2015 the Attorney General issued an Order to Produce Information, pursuant to his authority under N.D.C.C. § 51-15-04, which required Respondent to answer questions regarding his business and to provide documents related to his business activities in North Dakota. Respondent was required to respond by May 14, 2015. However, Respondent failed to respond to the Order to Produce Information or contact the Attorney General's Office regarding the Order to Produce Information. Pursuant to N.D.C.C. § 51-15-07, the Attorney General may issue a cease and desist order for Respondent's failure or refusal to file a statement or report under N.D.C.C. ch. 51-15. The Attorney General also is referring this matter to local law enforcement and the Burleigh County State's Attorney for possible criminal charges.

5. Respondent has made untrue, deceptive and misleading representations, and/or has 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, including but not limited to, expressly, impliedly, or by omission of a material fact, misrepresenting to consumers that Respondent was legally authorized to conduct contracting services in North Dakota when, in fact, Respondent did not have a contractor's license as required by N.D.C.C. ch. 43-07.

6. Respondent has made untrue, deceptive and misleading representations, and/or has 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, including but not limited to, expressly,

impliedly, or by omission of a material fact, misrepresenting to a consumer that when he solicited and accepted a \$15,000 advance payment from said consumer he would complete the work promised, and Respondent failed to do so.

7. Respondent has operated as a contractor in the state of North Dakota and has acted in the capacity of a contractor when the cost, value, or price of the job exceeded the sum of \$2,000. Respondent is not licensed as a contractor and it appears that Respondent has engaged in contracting activity in North Dakota without obtaining the required contractor's license pursuant to N.D.C.C. ch. 43-07.

ORDER

8. Based upon the foregoing information, it appears to the Attorney General that Respondent has engaged in violations of N.D.C.C. chs. 51-15 and 43-07 and Respondent has failed or refused to respond to the Order to Produce Information, as required by N.D.C.C. § 51-15-07; **NOW, THEREFORE, IT IS ORDERED** pursuant to N.D.C.C. § 51-15-07 that Respondent immediately **CEASE AND DESIST** from: 1) soliciting, advertising, selling, or providing in North Dakota any contracting services or merchandise, including, but not limited to, building homes, and all other services and/or merchandise as defined in N.D.C.C. § 51-15-01(3); 2) soliciting using untrue, deceptive or misleading representations to consumers 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) soliciting or accepting from consumers advance payments or consumer deposits in connection with any sale of merchandise, as defined by N.D.C.C. § 51-15-01(3); and 4) providing contracting services in North Dakota in violation of N.D.C.C. ch. 43-07. Respondent also shall immediately **CEASE AND DESIST** from issuing any invoices or bills to North Dakota

consumers for the sale of contracting 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 contracting services or merchandise or other services and/or merchandise as defined in N.D.C.C. § 51-15-01(3).

9. **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

10. **YOU, MARK HOWARD PATRICK CARLSON, 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. 43-07 may result in additional civil penalties of not more than \$5,000 per violation and is a Class A misdemeanor. Such penalties are separate and in addition to any civil penalties, costs, expenses, investigation fees, and attorney fees pursuant to N.D.C.C. chs. 51-15, 43-07 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

11. **YOU, MARK HOWARD PATRICK CARLSON, 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 the Respondent's expense.

Dated this 10th day of June, 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,

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

-vs-

MARK HOWARD PATRICK CARLSON
doing business as
PERFECTION CONSTRUCTION

Respondent.

CPAT # 150096.001

STATE OF NORTH DAKOTA)
) ss
COUNTY OF BURLEIGH)

1. Alexis Bieber 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 10th day of June, 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 Certified Mail and First Class Mail upon the following by placing a true and correct copies thereof in an envelope addressed as follows:

FIRST CLASS MAIL

MARK HOWARD PATRICK CARLSON
2418 N 7TH STREET
BISMARCK ND 58503-1162

RETURN RECEIPT # 7011 2970 0003 8089 9699

MARK HOWARD PATRICK CARLSON
2418 N 7TH STREET
BISMARCK ND 58503-1162

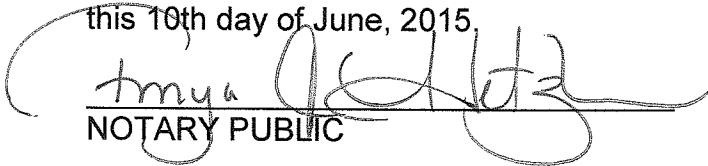
FIRST CLASS MAIL

MARK HOWARD PATRICK CARLSON
BURLEIGH CTY DENTENTION CENTER
PO BOX 1416
BISMARCK ND 58502-1416

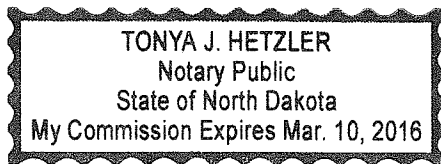
and depositing the same, with postage prepaid, in the United States mail at Bismarck,
North Dakota.


ALEXIS BIEBER

Subscribed and sworn to before me
this 10th day of June, 2015.


NOTARY PUBLIC

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[News Release](#)