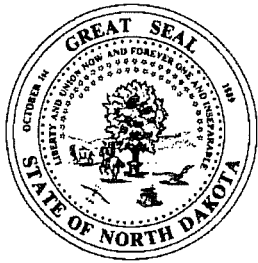


OFFICE OF ATTORNEY GENERAL  
CONSUMER PROTECTION AND ANTITRUST DIVISION  
GATEWAY PROFESSIONAL CENTER  
1050 E INTERSTATE AVENUE, STE 200  
BISMARCK, NORTH DAKOTA 58503-5574



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-

**MATT MARTIN**

Respondent.

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

CPAT # 140050.001

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

Matt Martin  
211 Veitch St Lot S49  
Emerado, ND 58228-4125  
and  
1107 10th Ave SE  
Devils Lake, ND 58301

(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 Matt Martin has engaged in advertising and soliciting the sale of merchandise, including but not limited to, contracting services to repair roofs. Respondent solicited and accepted payments from North Dakota consumers when Respondent did not have a contractor's license as required by N.D.C.C. ch. 43-07.

3. An investigator from the Attorney General's contacted Respondent on March 10, 2014 after receiving information alleging that Respondent had engaged in business activities in North Dakota without a contractor's license. Respondent admitted to performing contracting work on a North Dakota consumer's steel roof in the amount of \$4,000, without a contractor's license as required by N.D.C.C. ch. 43-07.

4. Before issuing this Cease and Desist Order the Attorney General attempted to contact Respondent numerous times and resolve this matter with an Assurance of Voluntary Compliance in which Respondent would be required to discontinue all business in North Dakota. Respondent, however, appears to have moved, stopped communicating with the Attorney General, and failed to reach a formal agreement with the Attorney General to address and resolve the illegal conduct. Therefore, North Dakota consumers are subject to potential additional and future harm if Respondent continues to operate his business.

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 operated as a contractor in the state of North Dakota and has accepted payment for contracting services in excess of \$2,000. Respondent is not licensed as a contractor and it appears that Respondent has engaged in sales activity in North Dakota without obtaining the required contractor's license pursuant to N.D.C.C. ch. 43-07.

### ORDER

7. 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; **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, installing or repairing roofs, 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).

8. **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**

9. **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. 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**

10. **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 the Respondent's expense.

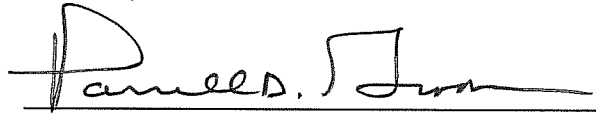
Dated this 16th day of June, 2014.

**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, 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-

**MATT MARTIN**

Respondent.

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

CPAT # 140050.001

STATE OF NORTH DAKOTA    )  
  ) ss  
COUNTY OF BURLEIGH    )

Alexis Bieber states under oath as follows:

1. 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 June, 2014, I served (1) Civil Investigative Demand and (2) Affidavit of Service by Certified Mail and First Class Mail upon the following by placing true and correct copies thereof in an envelope addressed as follows:

CERTIFIED MAIL RECEIPT # 7011 1570 0001 5793 9167

MATT MARTIN  
211 VEITCH ST LOT S49  
EMERADO ND 58228-4125

FIRST CLASS MAIL

MATT MARTIN  
211 VEITCH ST LOT S49  
EMERADO ND 58228-4125

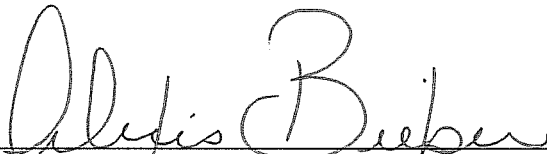
CERTIFIED MAIL RECEIPT # 7011 1570 0001 5793 9174

MATT MARTIN  
1107 10TH AVE SE  
DEVILS LAKE ND 58301

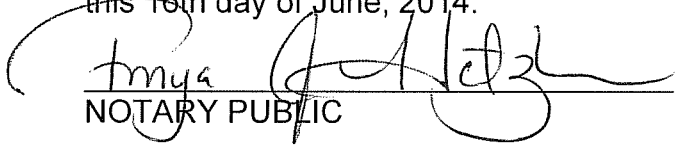
FIRST CLASS MAIL

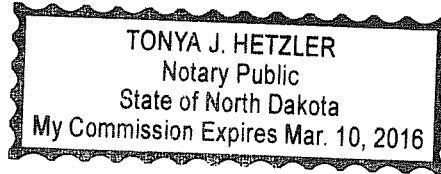
MATT MARTIN  
1107 10TH AVE SE  
DEVILS LAKE ND 58301

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 16th day of June, 2014.

  
NOTARY PUBLIC



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[News Release](#)