



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-

JAYMASON W. BOTTIN
 doing business as
J2 ROOFING & GENERAL CONTRACTING

Respondent.

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

CPAT # 130338.002

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

Jaymason W. Bottin
 755 Three Eagle Ln
 Bigfork, MT 59911-6505
 406-890-9402
 701-215-9402
 itsallgood1976@hotmail.com
 izsallgood@yahoo.com

(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. 51-04, commonly referred to as the "Transient Merchants 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 Jaymason W. Bottin, doing business as J2 Roofing & General Contracting, has engaged in advertising and soliciting the sale of merchandise, including but not limited to, contracting services to build garages and decks. 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 or a transient merchant's license as required by N.D.C.C. ch. 51-04.

3. Respondent Jaymason W. Bottin, has been the subject of North Dakota consumer complaints alleging misleading or deceptive advertising and/or fraudulent business practices in connection with the advertisement and sale of merchandise as those terms are defined in N.D.C.C. § 51-15-01. Allegations have been made that Respondent, in connection with the sale of merchandise, has made untrue, deceptive and misleading representations, and/or has made or engaged in deceptive acts or practice, 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 alleged deceptive practices include misrepresentations regarding what work would be performed, when the work would be performed, and what materials he purchased. Additionally, Respondent expressly, impliedly, or by omission of a material fact, misrepresented to consumers that he 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 or a transient merchant's license as required by N.D.C.C. ch. 51-04.

4. The Attorney General has received complaints and other information alleging that Respondent entered into an agreement with a North Dakota consumer to build a deck and garage. After Respondent solicited and accepted \$3,150 as an advance payment, he failed to perform any work on project. When the consumer attempted to contact Respondent, he would simply ignore her calls and e-mails. The consumer has since received a judgment in small claims court. Respondent did not have a contractor's license as required by N.D.C.C. ch. 43-07 or a transient merchant's license as required by N.D.C.C. ch. 51-04. Respondent has moved back to Montana, and has not been responsive to the Attorney General's office.

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.

6. N.D.C.C. ch. 51-15 prohibits a person from engaging in 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.

7. Respondent has operated as a contractor in the state of North Dakota and has accepted an advance payment 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.

8. Respondent is alleged to be a "transient merchant," as defined by N.D.C.C. §51-04-01(2). Respondent has offered and sold to consumers contracting

services. Respondent is not licensed as a transient merchant and it appears that Respondent has engaged in sales activity in North Dakota without first obtaining the required transient merchant license pursuant to N.D.C.C. ch. 51-04.

ORDER

9. 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, 43-07, and 51-04; **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 garages and decks, 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); 4) providing contracting services in North Dakota in violation of N.D.C.C. ch. 43-07; and 5) engaging in any sales or business activities in North Dakota, including soliciting, advertising or selling goods, services and/or merchandise as defined N.D.C.C. § 51-15-01(3), without a Transient Merchants license. 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).

10. **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

11. **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. Any violation of this Order that also is a violation of N.D.C.C. ch. 51-04 may result in additional civil penalties of not more than \$5,000 per violation and is a Class B 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, 51-04 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

12. **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.

Dated this 18th day of March, 2014.

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,

-vs-

JAYMASON W. BOTTIN
doing business as
J2 ROOFING & GENERAL CONTRACTING

Respondent.

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

CPAT # 130338.002

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 18th day of March, 2014, I served **CEASE AND DESIST ORDER, NOTICE OF CIVIL PENALTY AND NOTICE OF RIGHT TO REQUEST A HEARING AND AFFIDAVIT OF SERVICE BY CERTIFIED MAIL, FIRST CLASS MAIL, AND EMAIL** upon the following by placing a true and correct copies thereof in an envelope addressed as follows:

FIRST CLASS MAIL
JAYMASON W BOTTIN
755 THREE EAGLE LN
BIGFORK MT 59911-6505

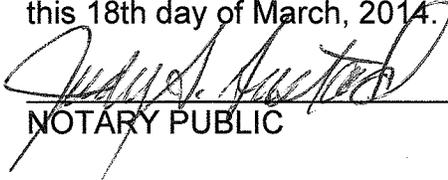
RETURN RECEIPT # 7011 1570 0001 5793 8955
JAYMASON W BOTTIN
755 THREE EAGLE LN
BIGFORK MT 59911-6505

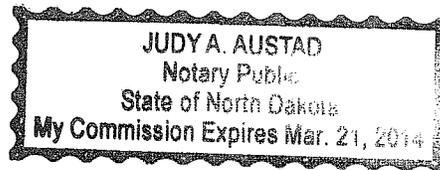
and depositing the same, with postage prepaid, in the United States mail at Bismarck, North Dakota.

3. Also on the 18th day of March, 2014, I served **CEASE AND DESIST ORDER, NOTICE OF CIVIL PENALTY AND NOTICE OF RIGHT TO REQUEST A HEARING AND AFFIDAVIT OF SERVICE BY CERTIFIED MAIL, FIRST CLASS MAIL, AND EMAIL** upon Jaymason W Bottin, by emailing the documents to itsallgood1976@hotmail.com and izsallgood@yahoo.com.


ALEXIS BIEBER

Subscribed and sworn to before me
this 18th day of March, 2014.


NOTARY PUBLIC



G:\CPAT\NODAK\J2 ROOFING\ASM-C&D 031814.DOCX

[News Release](#)