



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-

THOMAS C. LANTTO doing business as
TOM LANTTO BUILDERS

Respondent.

CPAT # 130029.001

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

Thomas C. Lantto
1423 18th St W Apt 217
Williston, ND 58801
tlbuilders1067@gmail.com
701-580-5697
612-735-1067

(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 the Respondent's unlawful acts or practices.

2. Respondent Thomas C. Lantto, doing business as Tom Lantto Builders, has engaged in advertising and soliciting the sale of merchandise, including but not limited to, contracting services to build garages. 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. Respondent Thomas C. Lantto doing business as Tom Lantto Builders has been the subject of a North Dakota consumer complaint 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, his agents, employees, or representatives, 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 and false promises regarding the purchase and delivery of merchandise, including when the merchandise would be purchased and delivered, failing to forward advance payments to the supplier, making false excuses for his delay, and failing to order merchandise from the supplier as promised. 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

4. The Attorney General has received a complaint and other information alleging that Respondent, his agents, employees, or representatives, took an advance deposit in the amount of \$12,000 for building supplies and misrepresented to the consumer that he had purchased her building supplies with the advance deposit. The consumer verified with the supplier that Respondent had not purchased the materials, and requested a refund. Additionally, Respondent represented to the consumer that he was going to acquire a permit for her building. However, the consumer contacted the city and discovered that Respondent never applied for the permit.

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 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. Respondent solicited and accepted an advance deposit from a North Dakota consumer prior to applying for a contractor's license. Additionally, when

Respondent did apply for a contractor's license he failed to truthfully answer the question regarding whether any judgments had been entered against him.

8. Before issuing this Cease and Desist Order the Attorney General attempted to contact Respondent numerous times regarding resolving this matter with an Assurance of Voluntary Compliance. However, Respondent stopped communicating with the Attorney General, and a formal agreement was never executed.

9. Respondent is engaged in a combination of two or more persons who have agreed to act together to inflict a wrong or an injury upon another, or who have agreed to act together to commit a lawful act using unlawful means to inflict a wrong or injury upon another, namely violation of N.D.C.C. chs. 51-15 and 43-07. In doing so, Respondent has committed acts in pursuit of an agreement and the agreement has proximately caused damage to North Dakota consumers.

10. Respondent is liable for his own misconduct and/or for directing others to engage in misconduct. See *e.g. Zimprich v. North Dakota Harvestore Sys., Inc.*, 419 N.W.2d 912, 914 (N.D. 1988); *Rickbeil v. Grafton Deaconess Hosp.*, 23 N.W.2d 247, 257 (N.D. 1946)("The general rule with reference to this feature is considered and set out in the great series of volumes of jurisprudence familiar to the courts. In 52 Am. Jur., 440, this rule is stated, 'It is a conceded general rule that all persons or entities are liable for torts committed by them, or by their agents while acting within the scope of their duties.'").

ORDER

11. 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 his

agents, servants, employees, contractors, representatives (extending to all "doing business as" names, formal corporate names, aliases, fictitious names of any kind or any variations of the same) as well as all other persons in active concert or participation with them, whether directly or indirectly, immediately **CEASE AND DESIST** from: 1) soliciting, advertising, selling, or providing in North Dakota any contracting services or merchandise, including, but not limited to, constructing buildings, 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).

12. **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

13. **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

14. **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.

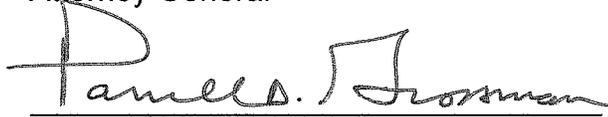
Dated this 31st day of October, 2013.

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 EX REL.
WAYNE STENEHJEM,
ATTORNEY GENERAL,

Petitioner,

-vs-

THOMAS C. LANTTO doing business as
TOM LANTTO BUILDERS

Respondent.

**AFFIDAVIT OF SERVICE
BY CERTIFIED MAIL, FIRST
CLASS MAIL & EMAIL**

CPAT # 130029.001

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 31st day of October, 2013, 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, 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

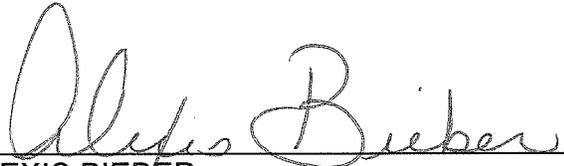
THOMAS C LANTTO
1423 18TH ST W APT 217
WILLISTON ND 58801

CERTIFIED RETURN RECEIPT # 7011 2000 0001 3047 8495

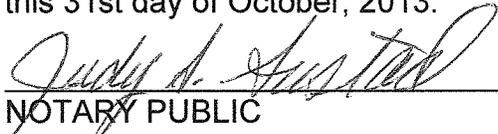
THOMAS C LANTTO
1423 18TH ST W APT 217
WILLISTON ND 58801

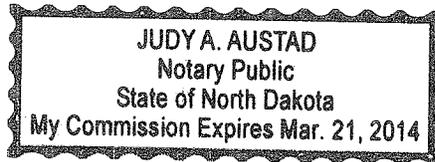
and depositing the same, with postage prepaid, in the United States mail at Bismarck, North Dakota.

4. Also on the 31st day of October, 2013, 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, FIRST CLASS MAIL AND EMAIL upon Thomas C Lantto; by emailing the documents to tlbuilders1067@gmail.com.


ALEXIS BIEBER

Subscribed and sworn to before me
this 31st day of October, 2013.


NOTARY PUBLIC



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