



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-

EDGAR RODRIGUEZ doing business as
AMADOR CONSTRUCTION

Respondent.

CPAT # 130263.003

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

Edgar Rodriguez
Amador Construction
1573 16th St NW
Minot, ND 58703-1111
847-400-7835
burras1010@gmail.com

Edgar Rodriguez
Amador Construction
802 10th St NW
Minot, ND 58703-2152

Edgar Rodriguez
Amador Construction
2008 Westfield Ave
Minot, ND 58701-3443

Edgar Rodriguez
Amador Construction

1015 27th St SE Lot 35
Minot, ND 58701-5221

(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 Edgar Rodriguez, doing business as Amador Construction (hereinafter "Respondent or Rodriguez"), has engaged in advertising and soliciting the sale of merchandise, including but not limited to, contracting services to install drywall. 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 Consumer Protection Division contacted Rodriguez on December 23, 2014, after receiving information alleging that Rodriguez may have engaged in business activities in North Dakota without a contractor's license. Rodriguez's license had expired on March 1, 2014, and, during the conversation with the investigator, he falsely denied doing any work over \$2,000 during the time he was unlicensed. The Attorney General's Office, however, received a complaint on January 6, 2015 from a consumer that had paid Respondent \$8,800 during November 2014. The consumer alleged that Rodriguez, after soliciting and

accepting the advance payment, failed to complete the project and she had to hire another contractor to finish her remodeling project. The Attorney General's Consumer Protection Investigator then confronted Rodriguez and Rodriguez admitted to accepting the job and operating without a contractor's license. Additionally, the Attorney General is aware of at least two additional consumers that Respondent has solicited and received advance payments from and failed to completely finish their projects. One consumer paid Rodriguez \$1,700 and the other paid Rodriguez \$2,300.

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

5. Respondent Rodriguez 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 Rodriguez did not have a contractor's license as required by N.D.C.C. ch. 43-07.

6. Respondent Rodriguez 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 \$8,800 advance payment from said consumer he would complete the work promised, and Rodriguez failed to do so.

7. Respondent Rodriguez 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 \$2,300 advance payment from said consumer he would complete the work promised, and Rodriguez failed to do so.

8. Respondent Rodriguez 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 \$1,700 advance payment from said consumer he would complete the work promised, and Rodriguez failed to do so.

9. Respondent Rodriguez 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

10. Based upon the foregoing information, it appears to the Attorney General that Respondent Rodriguez 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 drywall, 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).

11. **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

12. **YOU, EDGAR RODRIGUEZ, 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

13. **YOU, EDGAR RODRIGUEZ, 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 9th day of March, 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 EX REL.
WAYNE STENEHJEM,
ATTORNEY GENERAL,

Petitioner,

-vs-

EDGAR RODRIGUEZ doing business as
AMADOR CONSTRUCTION

Respondent.

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

CPAT # 130263.003

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 9th day of March, 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; 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

EDGAR RODRIGUEZ
AMADOR CONSTRUCTION
1573 16TH ST NW
MINOT ND 58703-1111

CERTIFIED RECEIPT # 7011 2970 0003 8089 9392

EDGAR RODRIGUEZ
AMADOR CONSTRUCTION
1573 16TH ST NW
MINOT ND 58703-1111

FIRST CLASS MAIL

EDGAR RODRIGUEZ
AMADOR CONSTRUCTION
802 10TH ST NW
MINOT ND 58703-2152

CERTIFIED RECEIPT # 7011 2970 0003 8089 9385

EDGAR RODRIGUEZ
AMADOR CONSTRUCTION
802 10TH ST NW
MINOT ND 58703-2152

FIRST CLASS MAIL

EDGAR RODRIGUEZ
AMADOR CONSTRUCTION
2008 WESTFIELD AVE
MINOT ND 58701-3443

CERTIFIED RECEIPT # 7011 2970 0003 8089 9378

EDGAR RODRIGUEZ
AMADOR CONSTRUCTION
2008 WESTFIELD AVE
MINOT ND 58701-3443

FIRST CLASS MAIL

EDGAR RODRIGUEZ
AMADOR CONSTRUCTION
1015 27TH ST SE LOT 35
MINOT ND 58701-5221

CERTIFIED RECEIPT # 7011 2970 0003 8089 9361

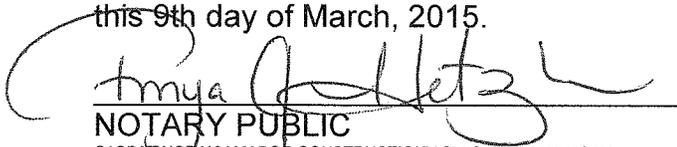
EDGAR RODRIGUEZ
AMADOR CONSTRUCTION
1015 27TH ST SE LOT 35
MINOT ND 58701-5221

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

4. Also on the 9th day of March, 2015, 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 Edgar Rodriguez, dba Amador Construction by emailing the documents to burras1010@gmail.com.


ALEXIS BIBER

Subscribed and sworn to before me
this 9th day of March, 2015.


NOTARY PUBLIC
G:\CPA\NOB\AKAMADOR CONSTRUCTION\ASM-C&D 030915.DOCX

