COMPLETE, PRINT, SIGN IN THE PRESENCE OF A NOTARY PUBLIC AND MAIL

COMPLAINT AGAINST CONTRACTOR

SECRETARY OF STATE

SFN 16999 (05-2015)

For Office Use Only

Secretary of State
State of North Dakota
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Bismarck ND 58505-0500
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Under the provisions of North Dakota Century Code, Section 43-07-14, any person may file a duly verified complaint with the Secretary of State charging that a licensed contractor is guilty of one or more acts or omissions. To determine whether sufficient facts exist upon which a reasonable person could conclude that violations have been committed (which could result in the revocation of a contractor's license), please provide the information requested on this form. You may use additional pages if more space is needed.

Name of Person(s) Filing Complaint			Telephone Number
Home Address	City	State	ZIP Code
Address Where Problem Occurred	City	State	ZIP Code
Date When Problem Occurred	Did you sign a written contract? ☐ Yes ☐ No	Did you receive a contract or receipt for service(s) rendered? ☐ Yes - Which one (enclose copy): _____ ☐ No	
Type of Project			

Name of Contractor Against Whom Complaint is Being Filed			Telephone Number
Address	City	State	ZIP Code
Name(s) of Person(s) with Whom You Had Contact			

For the Secretary of State to pursue a complaint against a contractor, it must be shown a contractor has committed one or more of the following acts or omissions as provided for in North Dakota Century Code, Section 43-07-14, which states:

Complaint for license revocation - Consumer fraud action.

1. Any person may file a duly verified complaint with the registrar charging that the licensee is guilty of any of the following acts or omissions:
   a. Abandonment of any contract without legal excuse after a deposit of money or other consideration has been provided to the licensee. A rebuttable presumption of abandonment arises if:
      (1) A contractor fails substantially to commence any work agreed upon, unless the failure is due to circumstances beyond the control of the contractor:
         (a) Within sixty days of a starting date agreed upon in writing; or
         (b) Within ninety days of the contract date if no starting date is agreed upon in writing; or
      (2) A contractor fails to complete any work agreed upon in writing within ninety days of a completion date agreed upon in writing, or within one hundred eighty days of the contract date if no completion date is agreed upon in writing, unless the failure is due to circumstances beyond the control of the contractor.
   b. Diversion of funds or property received under express agreement for the prosecution or completion of a specific contract under this chapter, or for a specified purpose in the prosecution or completion of any contract, and their application or use for any other contract obligation or purpose to defraud or deceive creditors or the owner.
   c. Engaging in any fraudulent or deceptive acts or practices or misrepresentation as a contractor in consequence of which one or more persons is injured in a total amount exceeding three thousand dollars.
   d. The making of any false or misleading statement in any application for a license or renewal or by violating this chapter or being convicted of an offense the registrar determines has a direct bearing on the applicant's or licensee's ability to serve the public as a contractor as set out in section 12.1-33-02.1.
   e. Engaging in work without any trade or professional license as required for the work pursuant to local, state, or federal law.
   f. Failure to refund fully the contracting party's advance payment if a rebuttable presumption of abandonment has arisen and the contracting party has made a request to the licensee for a refund.
2. The complaint must be on a form approved by the registrar and must set forth sufficient facts upon which a reasonable individual could conclude that any of the acts or omissions in subsection 1 has been committed.
3. Any act or omission under this section may also constitute grounds for the attorney general to bring an action under chapter 51-15 against the licensee or any unlicensed person engaging in the business or acting in the capacity of a contractor in violation of section 43-07-02 and subjects the licensee or any such unlicensed person to all provisions, procedures, remedies, and penalties provided for in chapter 51-15.

Check which acts or omissions you believe have been committed:

- ☐ Subsection 1 - Abandonment of Contract
- ☐ Subsection 2 - Diversion of Funds
- ☐ Subsection 3 - Fraud
- ☐ Subsection 4 - False Statement
- ☐ Subsection 5 - No Trade or Professional License
- ☐ Subsection 6 - Failure to Refund Advance Payment

Describe the facts and explain in detail how the contractor has committed the act(s) or omission(s) indicated and provide any other information you believe may be helpful. If you received a contract or receipt for service(s) rendered, please enclose a copy.

I have thoroughly read the statement of complaint and understand its contents. The information I have provided on this form is accurate to the best of my knowledge and belief. I understand the Secretary of State may not be able to take action against the contractor in this case. However, I am providing this information to help the Secretary of State determine if it may pursue my complaint.

Signature	Date

State	County
The foregoing instrument was acknowledged before me on	Date
Signature of Notary Public or Other Authorized Officer	
My Commission Expires (if not listed on stamp)	

(Notary Stamp)