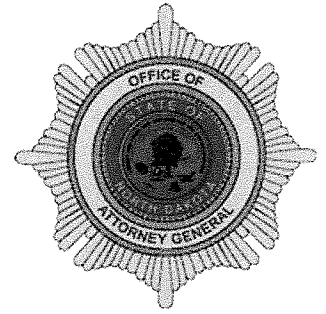




OFFICE OF ATTORNEY GENERAL
 CONSUMER PROTECTION AND ANTITRUST DIVISION
 GATEWAY PROFESSIONAL CENTER
 1720 BURLINGTON DRIVE, SUITE C
 BISMARCK, NORTH DAKOTA 58504-7736



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-

GEORGE WILLIAMSON STEWART,
 doing business as STEWART HOME
 IMPROVEMENTS,

Respondent.

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

CPAT 210150.001

To the individuals identified below ("Respondent"):

GEORGE WILLIAMSON STEWART
 STEWART HOME IMPROVEMENTS
 1940 S. BROADWAY, # 356
 MINOT, ND 58701

GEORGE WILLIAMSON STEWART
 STEWART HOME IMPROVEMENTS
 1155 S. POWER RD., STE. 114, # 36
 MESA, AZ 85206

VIOLATIONS OF LAW

[¶1] The Attorney General of North Dakota has a reasonable basis to believe Respondent has engaged in, is are engaging in, acts or practices declared unlawful

by: North Dakota Century Code (“N.D.C.C.”) § 12.1-31-07.1 (“Exploitation of an Eligible Adult”); ch. 43-07 (commonly known as the “Contractors Law”); § 51-04-03.1 (“Failure to Possess License When Transacting Business”); ch. 51-15 (commonly known as the “Consumer Fraud Law”); and ch. 51-18 (commonly known as the “Home Solicitations 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, individually and/or by and through agents, is doing business under some or all of the names identified above, and appears to have engaged in violations of North Dakota law by:

[¶3] First, in violation of N.D.C.C. § 12.1-13-07.1, knowingly, by deception, intimidation, or undue influence, obtaining or using, or attempting to obtain or use, an eligible adult’s funds, assets, or property with the intent to temporarily or permanently deprive the eligible adult of the use, benefit, or possession of the property, for the benefit of someone other than the eligible adult;

[¶4] Second, in violation of N.D.C.C. § 43-07-02, engaging in the business of or acting in the capacity of a contractor within North Dakota when the cost, value, or price per job exceeds the sum of four thousand dollars without first having a license;

[¶5] Third, in violation of N.D.C.C. § 43-07-02(5), receiving payment for a construction project by intentionally using deception as defined in section 12.1-23-10;

[¶6] Fourth, in violation of N.D.C.C. § 51-04-03.1, engaging in, doing, or transaction business in North Dakota in the capacity of a transient merchant without first applying for a receiving a license; having said license in their possession at all times when engaging in or transacting business; and displaying said license when requested to do so by any court, law enforcement official, peace officer, or consumer;

[¶7] Fifth, in violation of N.D.C.C. §§ 51-18-02 and 51-18-04, engaging in personal solicitation sales, within the meaning of N.D.C.C. § 51-18-01(3), without providing the cancellation period required by N.D.C.C. § 51-18-02 that substantially complies with N.D.C.C. § 51-18-04; and

[¶8] Sixth, in violation of N.D.C.C. § 51-15-02, by engaging in the in the conduct described above which also constitutes violations of N.D.C.C. § 51-15-02 or other laws.

[¶9] Respondent's last known addresses are: 1940 S. Broadway, #356, Minot, ND 58701, corresponding to a UPS Store in Minot, ND; and 1155 S. Power Rd., Ste. 114, #36, Mesa, AZ 85206, corresponding to a Box N' Mail store.

[¶10] Respondent engaged in the conduct described herein including while operating the business Stewart Home Improvements.

[¶11] Respondent is or was in the business of soliciting and selling merchandise in North Dakota. Respondent, or Respondent's agents on Respondent's behalf, solicited North Dakota customers, including personal solicitation sales on a temporary or transient basis.

[¶12] On October 20, 2021, the State filed a criminal action against Respondent George Williamson Stewart in Case No. 28-2021-CR-0384.

[¶13] According to allegations made against him Stewart, while engaged in the sale or advertisement of merchandise, is or was engaged in using deception and intimidation to obtain funds from an eligible adult. Ex. 1 at pp. 1 – 3. Such conduct also constitutes a violation of N.D.C.C. § 51-15-02 which prohibits, “The act, use, or employment by any person of 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, whether or not any person has in fact been misled, deceived, or damaged thereby.”

[¶14] According to allegations made against him, Stewart is or was engaged in the business or acted in the capacity of a contractor, within the meaning of N.D.C.C. § 43-07-01(1), within North Dakota when the cost, value, or price per job exceeded the sum of four thousand dollars without first having a license. *Id.* at p. 4. Under N.D.C.C. § 43-07-14(3), any person engaging in the business or acting in the capacity of a contractor in violation of N.D.C.C. § 43-07-02 subjects the unlicensed person to all provisions, procedures, remedies, and penalties provided for in chapter 51-15.

[¶15] According to allegations made against him, Stewart is or was engaged in construction fraud by using deception to obtain payment from consumers by intentionally using deception as defined by N.D.C.C. § 12.1-23-10. *Id.* at p. 1. Such conduct also constitutes a violation of N.D.C.C. § 51-15-02 which prohibits, “The act,

use, or employment by any person of 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, whether or not any person has in fact been misled, deceived, or damaged thereby.”

[¶16] According to allegations made against him, Stewart is or was engaged in, doing, or transacting business in the capacity of a transient merchant, within the meaning of N.D.C.C. § 51-04-01(2), without first seeking and obtaining a license. Id. at p. 4. Under N.D.C.C. § 51-04-10, any person engaging in the business of, or acting in the capacity of, a transient merchant in violation of N.D.C.C. ch. 51-04 subjects the unlicensed person to all provisions, procedures, remedies, and penalties provided for in chapter 51-15.

[¶17] The State’s Information is supported by an Affidavit of Probable Cause attested to by Deputy Sheriff Aaron Matties (“Matties”), a detective with the McLean County Sheriff’s Department. Ex. 2.

RESPONDENT STEWART’S CONDUCT

[¶18] According to Detective Matties, Stewart provided business cards to North Dakota consumers that identified him as the owner of Stewart Home Improvements. His business card advertised that he specialized in work constituting the business of construction, repair, or alteration of real property, (*see* N.D.C.C. § 43-07-01(1)); specifically, barn painting, silicone roof coatings, and asphalt sealing. Id. at p. 1.

[¶19] In or around July of 2021, Stewart came to the home of an Underwood, North Dakota consumer and contracted with him to spray the asphalt shingles on his roof with a product that Stewart claimed would protect the shingles. Id. at p. 3. Stewart showed the product to the Underwood consumer and claimed that the product would coat his shingles with the thickness of an “innertube.” Id. Stewart represented that the product was warranted for 20 years. Id. Relying on Stewart’s representations, the consumer agreed to pay him \$3,000 to complete the job. Id. While Stewart was purportedly in the process of performing under the contract, the consumer discovered that Stewart had lied to him. Id. Not only was he not coating the asphalt shingles to the thickness of an “innertube,” he was also using a different product than he had shown the consumer. Id. Despite misrepresenting the product that he would use on the project, Stewart still requested and received a payment of \$1,500 from the consumer. Id.

[¶20] It appears to the Attorney General that Stewart’s conduct was in violation of N.D.C.C. 51-04, 51-15, and 51-18. Violations of N.D.C.C. chs. 51-04 and 51-18 constitute violations of N.D.C.C. ch. 51-15.

[¶21] On or about July 6, 2021, Stewart came to the home of a second Underwood, North Dakota consumer and offered to spray the asphalt shingles on her roof. Id. at p. 4. Stewart represented that the product he would use to spray her roof was warranted for 15 years. Id. Stewart solicited and accepted a payment of \$4,500 from the consumer for the work her claimed to have performed. Id. Stewart

issued a receipt to the consumer that represented he had received payment in full for spraying aluminum roof coating on the consumer's shingles. Id.

[¶22] It appears to the Attorney General that this conduct may have been perpetrated in violation of N.D.C.C. chs. 43-07, 51-04, 51-15, and 51-18. Violations of N.D.C.C. chs. 43-07, 51-04, and 51-18 constitute violations of N.D.C.C. ch. 51-15.

[¶23] On or about July 7, 2021, Stewart came to the home of a third Underwood, North Dakota consumer and offered to spray the asphalt shingles on his roof. Id. at p. 4. Stewart represented that the product he would use to spray his roof was warranted for 15 years. Id. Though neither he nor his business are licensed as contractors, Stewart told the consumer that he was licensed and provided paperwork that he falsely claimed reflected that he was properly licensed. Id. Stewart then solicited and accepted a payment of \$4,500 from the consumer for the job he claimed to have performed. Id.

[¶24] It appears to the Attorney General that this conduct may have been perpetrated in violation of N.D.C.C. chs. 43-07, 51-04, 51-15, and 51-18. Violations of N.D.C.C. chs. 43-07, 51-04, and 51-18 constitute violations of N.D.C.C. ch. 51-15.

[¶25] On or about July 8, 2021, Stewart came to the home of a fourth Underwood, North Dakota consumer and offered to spray the shingles on her roof. Id. at p. 4. Stewart represented that the product he would use to spray her roof was warranted for 20 years. Id. After Stewart claimed to have completed the work for the consumer, the consumer looked at her roof and it did not appear that Stewart had actually sprayed the roof at all. Id. Despite not having performed the work he

promised, Stewart solicited and accepted a payment of \$4,500 from the consumer. Id.

[¶26] It appears to the Attorney General that this conduct may have been perpetrated in violation of N.D.C.C. chs. 43-07, 51-04, 51-15, and 51-18. Violations of N.D.C.C. chs. 43-07, 51-04, and 51-18 constitute violations of N.D.C.C. ch. 51-15.

[¶27] In addition to the solicitations and sales specifically described above, Stewart came to the homes of at least two additional Underwood, North Dakota consumers, (on July 9, 2021 and July 31, 2021), and offered to spray their roofs. Id. at p. 5. After Stewart claimed to have performed the work, he solicited a payment of \$3,500 from the fifth consumer and \$4,500 from the sixth consumer. Id. After paying Stewart, the fifth consumer came to believe he had been scammed and that Stewart had sprayed his roof with a sealant intended for use on trailer homes instead of a spray appropriate for the asphalt shingles on his roof. Id.

[¶28] Stewart engaged in the same type of conduct in Turtle Lake where he solicited and accepted a payment of \$4,200 from a consumer for work purportedly performed on her roof. Id. at p. 6.

[¶29] It appears to the Attorney General that this conduct may have been perpetrated in violation of N.D.C.C. chs. 43-07, 51-04, 51-15, and 51-18. Violations of N.D.C.C. chs. 43-07, 51-04, and 51-18 constitute violations of N.D.C.C. ch. 51-15.

[¶30] According to the Affidavit of Probable Cause, the type of sealant Stewart was using is not intended for the shingles on the Underwood and Turtle

Lake consumers' homes. Instead, the spray sealant used by Stewart is intended for trailer and tar roofs. Id. at p. 7.

[¶31] Furthermore, Stewart has a history of engaging in illegal and fraudulent conduct. Id. at pp. 1 – 2, 7 – 8. In Washington, a complaint was filed against Stewart for using an aluminum spray on roofs when he claimed it was a rubber spray. Id. at p. 8. In Canada and New Zealand, Stewart was involved with paving and asphalt driveway scams. Id. at p. 7. Stewart was charged with 13 counts of fraud in connection with the paving scam he was running in Canada. Id.

[¶32] It appears to the Attorney General that Respondent, or Respondent's agents on Respondent's behalf, is or was engaged in violation of N.D.C.C. chs. 43-07, 51-04, 51-15, and 51-18; and is or was engaged in violation of N.D.C.C. §§ 12.1-06.1-03, 12.1-06-01 and 12.1-23-02, 12.1-31-07.1, and 51-04-03.1.

ORDER

[¶33] Based upon the foregoing information, it appears to the Attorney General that Respondent has engaged in, or is engaged in, violations of N.D.C.C. chs. 43-07, 51-04, 51-15, and 51-18; and is or was engaged in violation of N.D.C.C. §§ 12.1-31-07.1, and 51-04-03.1. **NOW, THEREFORE, IT IS ORDERED** pursuant to N.D.C.C. § 51-15-07 that Respondent immediately **CEASE AND DESIST** from: 1) engaging in transient merchant sales within the meaning of N.D.C.C. § 51-04-01, without first having a transient merchant license in accordance with N.D.C.C. ch. 51-041; 2) soliciting or selling services and/or merchandise, as defined by N.D.C.C. § 51 15 01(3), to North Dakota consumers, including engaging in the business of, or

acting in the capacity of a contractor within the meaning of N.C.C.C. § 43-07-01(1); 3) engaging in the business or acting in the capacity of a contractor within North Dakota when the cost, value, or price per job exceeds the sum of four thousand dollars without first having a license provided in accordance with N.D.C.C. ch. 43-07; 4) soliciting consumers using untrue, deceptive, or misleading representations, 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; and 5) engaging in unconscionable acts or practices in violation of N.D.C.C. § 51-15-02. Respondent also shall immediately **CEASE AND DESIST** from issuing any invoices or bills to North Dakota consumers for any 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 merchandise as defined in N.D.C.C. § 51-15-01(3).

[¶34] **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

[¶35] **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

\$1,000.00 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 \$5,000.00 per violation. Such penalties are separate and in addition to any civil penalties, costs, expenses, investigation fees, and attorney fees pursuant to N.D.C.C. ch. 51-15 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

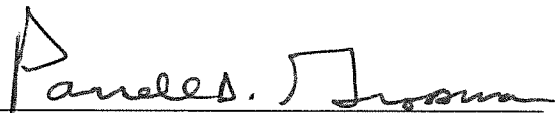
[¶36] YOU ARE NOTIFIED that pursuant to N.D.C.C. § 51-15-07 you may request a hearing before the Attorney General if such a request is made in writing WITHIN TEN (10) DAYS AFTER RECEIPT OF THIS ORDER. Respondent has the right to be represented by legal counsel at the hearing at Respondent's expense.

Dated this 20th day of October, 2021.

STATE OF NORTH DAKOTA

Wayne Stenehjem
Attorney General

BY:



Parrell D. Grossman, NDBID 04684
Assistant Attorney General
Director
Consumer Protection and
Antitrust Division
Office of Attorney General
1720 Burlington Drive, Suite C
Bismarck, ND 58504-7736
(701) 328-5570

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF MCLEAN

SOUTH CENTRAL JUDICIAL DISTRICT

State of North Dakota,)
)
 Plaintiff,)
)
 -vs-)
)
 George Williamson Stewart,)
)
 Defendant.)

McLean County Cr. # 28-2021-CR-384

INFORMATION

THE PROSECUTING ATTORNEY OF MCLEAN COUNTY, CHARGES that:

On or before the 9th day of July, 2021, in McLean County, ND the above-named Defendant committed the offenses of:

COUNT I: CONSTRUCTION FRAUD in violation of N.D.C.C. § 43-07-02 by then and there: A person commits construction fraud if: The person receives payment for a construction project by intentionally using deception as defined in section 12.1-23-10.

To-wit: The Defendant used deception to obtain \$27,200 from multiple victims in Underwood and Turtle Lake, North Dakota by spraying a fake shingle coating on roofs after falsely telling victims that the coating protected the roofs and had a lengthy warranty that didn't exist.

Penalty Section: N.D.C.C. § 43-07-02(5)
Class B Felony

COUNT II: EXPLOITATION OF AN ELIGIBLE ADULT in violation of N.D.C.C. § 12.1-31-07.1 by then and there: The person has a business relationship with the eligible adult and knowingly, by deception, intimidation, or undue influence, obtains or uses, or attempts to obtain or use, the eligible adult's funds, assets, or property with the intent to temporarily or permanently deprive the eligible adult of the use, benefit, or possession of the property, for the benefit of someone other than the eligible adult.

To-wit: The Defendant knowingly deceived and intimidated L.A. (age 72) and A.A. (age 70) to obtain funds for spraying asphalt roofing on L.A. and A.A.'s roof in an amount of \$1,500 and did deceptive work for that money.

Penalty Section: N.D.C.C. § 12.1-31-07.1(2)(c)
Class C Felony

Exhibit 1

COUNT III: EXPLOITATION OF AN ELIGIBLE ADULT in violation of N.D.C.C. § 12.1-31-07.1 by then and there: The person has a business relationship with the eligible adult and knowingly, by deception, intimidation, or undue influence, obtains or uses, or attempts to obtain or use, the eligible adult's funds, assets, or property with the intent to temporarily or permanently deprive the eligible adult of the use, benefit, or possession of the property, for the benefit of someone other than the eligible adult.

To-wit: The Defendant knowingly deceived and intimidated D.A. (age 77) and J.A. (age 75) to obtain funds for spraying asphalt roofing on D.A. and J.A.'s roof in an amount of \$4,500 and did deceptive work for that money.

Penalty Section: N.D.C.C. § 12.1-31-07.1(2)(c)
Class C Felony

COUNT IV: EXPLOITATION OF AN ELIGIBLE ADULT in violation of N.D.C.C. § 12.1-31-07.1 by then and there: The person has a business relationship with the eligible adult and knowingly, by deception, intimidation, or undue influence, obtains or uses, or attempts to obtain or use, the eligible adult's funds, assets, or property with the intent to temporarily or permanently deprive the eligible adult of the use, benefit, or possession of the property, for the benefit of someone other than the eligible adult.

To-wit: The Defendant knowingly deceived and intimidated D.E. (age 71) and to obtain funds for spraying asphalt roofing on D.E.'s roof in an amount of \$4,500 and did deceptive work for that money.

Penalty Section: N.D.C.C. § 12.1-31-07.1(2)(c)
Class C Felony

COUNT V: EXPLOITATION OF AN ELIGIBLE ADULT in violation of N.D.C.C. § 12.1-31-07.1 by then and there: The person has a business relationship with the eligible adult and knowingly, by deception, intimidation, or undue influence, obtains or uses, or attempts to obtain or use, the eligible adult's funds, assets, or property with the intent to temporarily or permanently deprive the eligible adult of the use, benefit, or possession of the property, for the benefit of someone other than the eligible adult.

To-wit: The Defendant knowingly deceived and intimidated D.J. (age 77) and to obtain funds for spraying asphalt roofing on D.J.'s roof in an amount of \$4,500 and did deceptive work for that money.

Penalty Section: N.D.C.C. § 12.1-31-07.1(2)(c)
Class C Felony

COUNT VI: EXPLOITATION OF AN ELIGIBLE ADULT in violation of N.D.C.C. § 12.1-31-07.1 by then and there: The person has a business relationship with the eligible adult and knowingly, by deception, intimidation, or undue influence, obtains or uses, or attempts to obtain or use, the eligible adult's funds, assets, or property with the intent to temporarily or permanently deprive the eligible adult of the use, benefit, or possession of the property, for the benefit of someone other than the eligible adult.

To-wit: The Defendant knowingly deceived and intimidated G.A. (age 77) and M.A. (age 68) to obtain funds for spraying asphalt roofing on G.A. and M.A.'s roof in an amount of \$4,500 and did deceptive work for that money.

Penalty Section: N.D.C.C. § 12.1-31-07.1(2)(c)
Class C Felony

COUNT VII: EXPLOITATION OF AN ELIGIBLE ADULT in violation of N.D.C.C. § 12.1-31-07.1 by then and there: The person has a business relationship with the eligible adult and knowingly, by deception, intimidation, or undue influence, obtains or uses, or attempts to obtain or use, the eligible adult's funds, assets, or property with the intent to temporarily or permanently deprive the eligible adult of the use, benefit, or possession of the property, for the benefit of someone other than the eligible adult.

To-wit: The Defendant knowingly deceived and intimidated G.W. (age 78) W.W. (age 71) and to obtain funds for spraying asphalt roofing on G.W. and W.W.'s roof in an amount of \$3,500 and did deceptive work for that money.

Penalty Section: N.D.C.C. § 12.1-31-07.1(2)(c)
Class C Felony

COUNT VIII: EXPLOITATION OF AN ELIGIBLE ADULT in violation of N.D.C.C. § 12.1-31-07.1 by then and there: The person has a business relationship with the eligible adult and knowingly, by deception, intimidation, or undue influence, obtains or uses, or attempts to obtain or use, the eligible adult's funds, assets, or property with the intent to temporarily or permanently deprive the eligible adult of the use, benefit, or possession of the property, for the benefit of someone other than the eligible adult.

To-wit: The Defendant knowingly deceived and intimidated D.S. (age 87) and to obtain funds for spraying asphalt roofing on D.S.'s roof in an amount of \$4,200 and did deceptive work for that money.

Penalty Section: N.D.C.C. § 12.1-31-07.1(2)(c)
Class C Felony

COUNT IX: UNLAWFULLY ACTING IN THE CAPACITY OF A CONTRACTOR WITHOUT A LICENSE in violation of N.D.C.C. § 43-07-02 and by then and there: A person may not engage in the business nor act in the capacity of a contractor within this state when the cost, value, or price per job exceeds the sum of four thousand dollars.

To-wit: The Defendant acted in the capacity of a contractor under the company name of Stewart Home Improvements at a time he was not licensed as a contractor and received funds in excess of \$27,200 for a contracting business.

Penalty Section: N.D.C.C. § 43-07-02(2)
Class A Misdemeanor

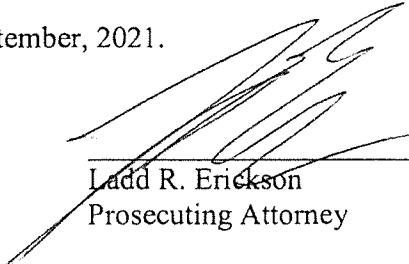
COUNT X: FAILURE TO POSSESS LICENSE WHEN TRANSACTING BUSINESS in violation of N.D.C.C. § 51-04-03.1 by then and there: License to be carried by licensee and exhibited on demand. Every transient merchant licensed under this chapter shall have the license in immediate possession at all times when engaging in or transacting any business regulated by this chapter. The licensee shall display the license when requested to do so by any court, law enforcement official, peace officer, or consumer.

To-wit: The Defendant failed to possess and exhibit a transient merchant license while working on several residents in McLean County, North Dakota.

Penalty Section: N.D.C.C. § 51-04-10
Class B Misdemeanor

Against the peace and dignity of the State of North Dakota.

DATED: This 21 day of September, 2021.

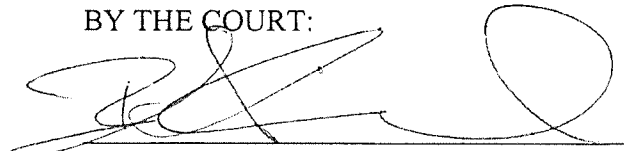


Ladd R. Erickson
Prosecuting Attorney

Based on the attached affidavit, the Court finds probable cause to initially charge the

Defendant with the offenses on:

BY THE COURT:



District Court Judge

State's Witnesses:

Detective Aaron Matties

Specialist Peter Becola, U.S. Dept. of State

Danielle Levey

L.A. & A.A.

D.A. & J.A.

D.E.

D.J.

G.A. & M.A.

G.W. & W.W.

D.S.

Douglas Whitefield, U.S. Customs Portal

Dan Wellen, Midwest Organized Crime Info. Center

Elizabeth Kallstrom, Records, Ephrata Police Dept.

Chris Schroeder, ND Attorney General's office

ND Secretary of State's office

Newly Voight, Wagon Wheel Lumber

Wells Fargo Bank, Jeff Newman, or other Keeper of Records

The subject currently has two warrants in Winnipeg, Manitoba for selling without a vendor's license.

The subject was refused admission on 4/11/87 at Calgary, Alberta and told he needed a waiver.

On 10/14/04 the subject was refused admission at Sweetgrass, Montana and was told he needed a waiver. The subject applied for a waiver but it was denied on 3/8/06. The subject claims he filed for 2 waivers and both were denied. He claimed he didn't think that attempting to enter the U.S. without a waiver would create so much difficulty. DISPOSITION: The subject was issued an I-862 and detained at the Buffalo Federal Detention Facility in Batavia, NY pending removal.

10/16/2004: George Stewart had prior refusal of the Sweetgrass, Montana point of entry. On 10/14/2004 his spouse Patricia Stewart was admitted at Sweetgrass, Montana entry and took two travel trailers to Helena, Montana and then applied for entry at Piegan, Montana. Mrs. Stewart claimed that she took her spouse to the Calgary airport but Canada customs verified that no one travelled with that name or dob in the past few months. It was suspected that Mr. George Stewart possibly entered the U.S.A. as a illegal alien earlier on this day. According to the information Mr. Stewart had warrants for consumer fraud and forgery out of Canada at that time. The information stated that Mr./Mrs. Stewart may be gypsies running paving, jewelry, and money scams, and the son just purchased a \$6000 Rolex watch.

Applications For Entry Into the United States for George Williamson Stewart:

- a. On 03 April 2020, George W STEWART file a Form I-601 - Application for Waiver of Grounds of Inadmissibility, which was denied on 17 July 2020.
- b. On 25 January 2019, George W STEWART filed a Form I-765 - Application for Employment Authorization, which was approved on 04 December 2019 and valid until 03 December 2020.
- c. On 25 January 2019, George W STEWART filed a Form I-131 - Application for Travel Document, which was denied on 04 December 2019.
- d. On 25 January 2019, George W STEWART filed a Form I-485 - Application to Register Permanent Residence or Adjust Status, which was denied on 23 July 2020.
- e. On 09 November 2008, George W STEWART was detained with no further explanation.
- f. On 24 November 2006, George W STEWART was arrested by the Immigration and Customs Enforcement (ICE) Buffalo, New York on one charge of Alien Inadmissibility under Section 212. Disposition: George W STEWART removed from the United States

on or about 06 December 2006..

g. Denied a United States Visitor For Business And Pleasure (B1/B2) Visa on 20 October 2004 as an Intending Immigrant.

McLean County Complaint, Other Information Collected:

On July 27th, 2021 I was notified by Danielle Levey of Underwood, North Dakota by phone. Mrs. Levey stated to me that several people had the asphalt shingles sprayed with an unknown silver white substance. I was told that Larry Arndt, of 504 Grant Ave, Underwood, North Dakota had his roof sprayed. I was told that Mr. Arndt was upset with the work performed and told the person to leave.

I spoke with Larry and Arlene Arndt on 7/28/2021 at their residence. Larry is 72 years of age, and Arlene is 70 years of age. Mr. Arndt stated that he met with a person that said his name was George Stewart. Mr. Stewart gave Mr. Arndt his business card, and said that he was from Minot, North Dakota. Mr. Stewart stated to Mr. Arndt that he been spraying shingles for 30 years in the area. Mr. Arndt stated to me that he had asphalt shingles on his roof. Mr. Arndt stated that he shown a sample of the spray product that he was supposed to have sprayed on his roof. Mr. Arndt said that this product was "thick and rubbery like, thick as an innertube." Mr. Arndt said that he was promised a 20 year warranty covering his whole roof. Mr. Arndt and Mr. Stewart agreed on a price of \$3000 dollars to spray his entire roof.

Mr. Arndt checked on his roof while Mr. Stewart was spraying. Mr. Arndt became upset because Mr. Stewart had sprayed the roof so thin with product. Mr. Arndt argued with Mr. Stewart, and told me that Mr. Stewart didn't spray the roof with the product he showed him that he was going to spray it with. Mr. Arndt told Mr. Stewart to finish the rest of the roof and leave. Mr. Arndt said that he was extremely upset with the work that was done. Mr. Arndt paid Mr. Stewart \$1500 in a check after the work was completed. Mr. Arndt stated that he finished the roof in 45 minutes to one hour.

Mr. Arndt showed me where Mr. Stewart had over sprayed his product on the house, his golf cart, and his garbage can. This product was silvery white speckled solution. Mr. Stewart was written a check #8444 from Larry and Arlene's Gate City Bank account from Bismarck, North Dakota. The Arndt's thought it was unusual because George Stewart requested the check to be written directly to him, not his business. From Checking with Gate City Bank, I learned that the check was deposited in a Wells Fargo Account. The address to the Wells Fargo bank that it was deposited at was 255 2nd Ave South, Minneapolis, MN, 55479. Arlene Arndt told me that Grayden Ash, Douglas Auck, Diane Ettinger, and Diana Johnson all had their roofs done by George Stewart. George Stewart was described as in early 60's, white hair, and driving a white work van. They also stated that George Stewart may have a slight southern accent, and about 6 feet tall, Caucasian.

Douglas Auck is 77 and resides with his Janice who is 75 at 103 Mckinley Ave,

Underwood, North Dakota. Douglas Auck said that he was approached by an individual named George Stewart at his home on 7/07/2021. Mr. Auck said that George said that he was from Minot, North Dakota, and had three kids. Mr. Auck said that he drove a White Dodge or Mercedes van, newer work van.

Mr. Auck said that George Stewart offered to spray on his roof over his asphalt shingles. Mr. Auck said that he was guaranteed a 15 year warranty on his roof after it was completed. Mr. Auck said he asked Mr. Stewart if he had a contractor's license. Mr. Auck said that he provided paperwork, but he couldn't see it because he didn't have his glasses. Mr. Auck told me that he knew Grayden Ash got his roof sprayed, and he thought he checked out the contractor. Mr. Auck paid Mr. Stewart by check for putting the spray over his shingles. Mr. Auck said that he paid \$4500 dollars for the service. Mr. Auck said that George told him that he had 3 kids, and has been doing this work in the Minot area for 30 years. Mr. Auck said that he was given a business card from Mr. Stewart. Mr. Auck said that he thought it was weird because he remembers that he wrote the check to George Stewart, and not the company. Mr. Auck said that he banks with American Bank Center, and Mr. Stewart was paid immediately on the 7th of July, after he finished the two hour job. Mr. Auck was unable to provide me with a check number. I'm still waiting for this information.

Diana Nelson-Edinger is a 71 year old widow who lives at 101 Mckinley Ave, Underwood, North Dakota. Mrs. Nelson-Edinger said that George Stewart came to her door and said that Doug Auck referred him to her. This was on 07/08/2021. Mrs. Nelson-Edinger said that George Stewart was giving her a 20 year warranty on her roof with the spray he was putting over her shingles for repair. Mrs. Nelson-Edinger said that she thought it was a money saving option, as Mr. Stewart was only charging \$4500 for the full roof. Mrs. Nelson-Edinger said that Mr. Stewart was done spraying her roof in one hour. Mrs. Nelson-Edinger said that Mr. Stewart showed her the roof when he was done. She stated that there wasn't any overspray, and her warranty was longer because the roof was in better shape. Mrs. Nelson-Edinger said that Mr. Stewart drove a white van, and she thought the spray was thinner on her roof than Mr. Auck's roof. Mrs. Nelson-Edinger said she paid by check (\$4500) check number 1788 on the same day, directly to George Stewart. Mrs. Nelson-Edinger banks at American Bank Center in Underwood, North Dakota. Mrs. Nelson-Edinger had an invoice for the work. The invoice said "to spray asphalt roof coating on shingles, paid in full, \$4500."

Diana Johnson is a 77 year old widow who lives at 203 3rd Street, Underwood, North Dakota. Mrs. Johnson said that a person named George Stewart drove up to her house on 07/06/2021 in a white work van. Mrs. Johnson told me that she knew that her neighbor Grayden Ash had his roof sprayed, and thought it was a good deal because of the high price to repair a roof. The agreed price for her roof was \$4500 with a 15 year warranty. Mrs. Johnson has asphalt shingles on her roof.

Mrs. Johnson said that George Stewart said that he had been doing this work for 30 years, and was from Minot, North Dakota. She describes him as early sixties, gray hair, southern/eastern accent. Mrs. Johnson said that she thought he did a good job, and

Grayden Ash thought he did too. Mrs. Johnson showed me some overspray on her tree, and I was able to collect a sample of leaves that were sprayed. These leaves were silver in color. After explaining the solution and what was put on their roofs, both of these listed individuals thought that this wasn't right, and wanted to be part of the complaint.

Mrs. Johnson said that Mr. Stewart finished her roof in an hour and a half. Mrs. Johnson said that was unusual, because she said it took him 3 hours to do her neighbor's roof. Mrs. Johnson said that Mr. Stewart had pumps in his vehicle that pumped into the sprayer tube, and that how he sprayed her roof. Mrs. Johnson said that she paid Mr. Stewart by check for \$4500. Mrs. Johnson said that she found out that he had a Wells Fargo account because her check bounced. Mrs. Johnson gave him another check on the 07/09/2021, check number 2295 for \$4500 from her account. Mrs. Johnson said that she banks at Wells Fargo also. Mrs. Johnson said that Mr. Stewart picked up the check on the 7/09/2021. Mrs. Johnson was also given a receipt from Mr. Stewart. This receipt stated "spray aluminum roof coating on shingles, paid in full." There was also a price of \$4,500 on the on the receipt. Mrs. Johnson said that she put two dates on the invoice because those are the days she called Mr. Stewart because she wants her cancelled check back. Mr. Stewart hasn't called her back.

On 07/31/2021 I interviewed Graydon Ash of 206 3rd street Underwood, North Dakota. Mr. Ash is 77 years of age, who resides with his wife Marilyn, 68 years old. Graydon Ash said that he met George Stewart on July 5th of 2021 when he drove up to his house. Graydon said that he thought it was funny because he was just thinking about fixing his shingles. Graydon said that according to George Stewart, who gave him his business card everyone else received he was the first customer in Underwood. Mr. Ash said that Mr. Stewart was a good salesman and showed him a sample of the product, but never said what the name of it was. Mr. Ash said that he paid \$4500 for Mr. Stewart to spray his roof, and he paid him the same day with a check #3290 for \$4500. Mr. Ash banks at American Bank center in Underwood, North Dakota. Mr. Ash described Mr. Stewart as 60 years of age, 5-10 and Caucasian, and said he had a hat on and didn't notice his hair. Mr. Ash said that George Stewart told him that he did at least one house in Turtle Lake.

I spoke with Gene and Wanda Walch of 703 Main Street of Underwood, North Dakota. They stated that a George Stewart driving a White Dodge Van came to their residence on 7-9-2021 and talked to them about spraying their roof with a sealant. Mr. Walch said that Mr. Stewart was "push" and said that he was offering a good deal. Mr. Walch said that he was approached by Mr. Stewart at his residence. Mr. Walch said that he left him spray the roof, and it took one hour to finish. This was the same day on 7-9-2021. Mr. Walch said he paid \$3500 for the roof spray. Mr. Walch said that after he sprayed the roof and when Mr. Stewart left that he thought that Mr. Stewart sprayed his roof with a trailer house roof sealant. Mr. Walch thought he got scammed, and was mad that he let Mr. Stewart spray the roof. Mr. Walch said that he was provided the same information others were provided. Mr. Walch said that name of the business was Stewart Home Improvements out of Minot, North Dakota. Mr. and Mrs. Walch said that the check was written to George Stewart, not to the business.

The following was written by Sgt. Olson. The victim wishes to be known by their initials, Case File # MC-21-07479: On 7/30/21, Detective Aaron Matties advised me (Sgt. Olson) of several cases of construction fraud that were reported in the Underwood area. Det. Matties requested that I attempt to locate any homes in the Turtle Lake area with similar looking white roofs that appeared to have been painted white.

On 8/3/21 at approximately 1300 hours, I began canvassing the City of Turtle Lake. At approximately 1500 hours, I found a house that had a roof that appeared to have recently had its roof painted white at 302 5th Ave West. The residence belongs to D.S. Three photographs were taken of the residence/roof.

On 8/5/21 I made telephone contact with D.S. who told me a man had put the coating on her roof for a sum of \$4200. She said the man was very persistent as she'd told him initially that she wasn't interested in having work done. I made arrangements to meet with her the following day to obtain information.

On 8/6/21 at approximately 1705 hours, I met with D.S. She advised me that she wanted her name to remain confidential. She provided me with a business card and invoice the man had provided her after the job was completed.

D.S. said the man came on the afternoon of July 3, 2021. She said there weren't many people in town that day. She said he was by himself and used high pressure sales tactics. He claimed price would be higher if he had his "crew" with him. He told her his "crew" would be with him. He said his crew built decks. Said he'd be around the area. D.S. told the man more than twice that she wasn't interested. D.S. said the man didn't provide an estimate. D.S. paid the man with a check drawn on a Minot bank account. D.S. declines to give bank information. D.S. said she may be able to identify the man. She said he was driving a white vehicle that was like a van because he'd opened a side door to get at the paint. D.S. said the man hadn't ever returned after the job was completed. D.S. said she continually watched the man.

D.S. declined to give a written statement and wants her information to remain confidential. She did agree to give me the business card as well as the invoice from the man. I showed her three pictures. She identified George Williamson Stewart looking like the subject that was at her home. I was provided D.S. with a copy of the business card as well as the invoice.

I did an investigation on the business Stewart Home Improvements. The business address is listed as 1940 South Broadway, Apt. 356, Minot, North Dakota. This address comes back to a UPS store in Minot, North Dakota. There isn't any apartments there. This business is in a strip mall.

I found a George Williamson Stewart with the same matching business that had a motor vehicle licensed in his name. There is no apartment number listed on the address. The vehicle is a 2017 White Dodge Ram Promaster 1500. The vehicle is also registered to a Patricia Helen Stewart. There is no listed date of birth, or driver's license to the vehicle.

George Williamson Stewart and Patricia Helen Stewart don't have a North Dakota driver's license. Three of listed alleged victims described George Stewart as having a white van work truck.

I hadn't been able to find a picture or birthdate for George Williamson Stewart at that time of the investigation in July 2021. I was not sure if his name was an alias, or real name. I continued to do searches and investigate to find his name and personal identifiers. I have located news articles from Canada where George Williamson Stewart was charged for 13 counts of fraud from a paving scheme in 2000. There is another article in 2001 from Manitoba that stated that he hasn't been found yet.

I located another article from March 6th, 2015 out of Otago, New Zealand where a George Williamson Stewart 52, Thomas Stewart, and a Patrick Swales Stewart were involved in asphalt driveway scams. This would be the correct age of our suspect that is being investigated at that time. The suspects were listed as Canadians, going door to door to. It was listed in the article that these suspects had an unregistered company, and "unethical sales techniques." There isn't any information on criminal charges, but it did mention that George Stew gave law enforcement an Auckland address when he was stopped. It was also mentioned in the article that Mr. Stewart had a "visitor visa" and they were looking into this and considering options.

I spoke with Christopher Schroeder, Investigator with the Office of the Attorney General in North Dakota. Investigator Schroeder stated that George Williamson Stewart or Stewart Home Improvements doesn't have a construction license or merchant license for North Dakota. These licenses are required when doing contracting, construction, building improvements in the state when the job performed is over \$4000 dollars. Mr. Stewart did at least five jobs where he sprayed Asphalt shingles on houses at \$4500 each. All alleged victims are over the age of 65.

I spoke with Newly Voigt who is the manager of Wagon Wheel Lumber, in Washburn, North Dakota. Mr. Voigt has assisted me in a couple construction frauds cases in the past 3 years. Mr. Voigt in the construction field. I asked Mr. Voigt if he had heard about the practice of spraying anything on asphalt shingles to extend their life Mr. Voigt said that shouldn't be done, and he never recommends this. Mr. Voigt stated that this spray sealant is usually sprayed on old trailer and tar roofs to seal them. Mr. Voigt said that this spray is called elasta merrick.

On 8/03/2021 I was able to locate George Williamson Stewart's information. George Stewart had been issued a citation on 6/21/2021 at 1929hrs in the Mohall, North Dakota area for speeding by North Dakota Highway Patrol. This was in his North Dakota Licensed #141DJX 2017 Dodge Ram Promaster White in color work/utility van. Mr. George Stewart didn't have a North Dakota License, his license is out of Arizona. I also obtained a picture of George Williamson Stewart from his driver's license. Diane Johnson, and Arlene and Larry Arndt identified the person in the picture was the person that sprayed their roofs in Underwood, North Dakota. Mr. Stewart's address listed on his Arizona license is 1155 South Power Rd Ste 114 #36, Mesa Arizona 85206. This address

doesn't come back to a residence or a construction business. This is a Box N Mail store, which delivers mail and packages. I called this business and it is just a place where you can get personal mail and packages.

I requested Wells Fargo bank records for "George Williamson Stewart," or "George Stewart" doing business as Stewart Home Improvements, including but not limited to account information consisting of deposits, withdrawals, transactions and transfers of money. This included any checks from the listed alleged victims in this inquiry. I have received account information regarding George Stewart 09/13/2021. Mr. Stewart has a bank account with Patricia H. Stewart, Wells Fargo account #8928459448. As of 7/31/2021 Mr. Stewart has \$444,461.53.

All of this information was collected on 9/17/2021 from multiple agencies:

At approximately 1040 hours I received a call from Douglas Whitefield of U.S. Customs Portal, North Dakota office. Agent Whitefield told me that he received a call from ND Fusion Center. Agent Whitefield had received information about George Williamson Stewart, and that he had been committing Construction Fraud in our county. Agent Whitefield told me that George Stewart wasn't supposed to be in our U.S., and was an illegal alien. Agent Whitefield told me that his agency was working on this problem, and would call me on a later date with more information.

I received information from a Dan Wellen of Midwest Organized Crime Information Center. The information was that there was a complaint on a George Williamson Stewart in 2019 in Washington. I called and spoke with Elizabeth Kallstrom, Records Manager, Ephrata Police Department, Ephrata, Washington. Mrs. Kallstrom provided me a police report where George Williamson Stewart was a suspect in a possible scam on 06/26/2019. This incident occurred at 2297 Basin St SW, Ephrata, Washington 98823. According to the report Mr. Stewart had sprayed a roof in Ephrata, Washington using an aluminum type spray. This was supposed to be a rubber material spray. The alleged victim, resident Mary Rohlman 71 yoa, stated that Mr. George Stewart sprayed her roof on her house with an aluminum type spray, and filed a complaint with Ephrata Police Department. Officer Ryan Harvey took the report and wrote that he advised the suspect that he needed a contract to do work from the city. Officer Harver also wrote in the report that he advised the suspect and complainant of over payment for product and determined the issue to be civil.

Mr. Stewart has the following checks with amounts from customers he has done work within McLean County North Dakota, Mr. Stewart used high pressure door to door sales with some of these individuals, and did incomplete, unapproved work that caused damage to property. All of the victims in McLean County are senior citizens in which Mr. George Stewart exploited using his customer service methods, materials, and work completed. Total losses for people in McLean County is \$27,200:

D.S., 87 yoa, \$4,200 07/02/2021, Turtle Lake, North Dakota

Grayden and Marilyn Ash \$4,500 07/05/2021 77 yoa, 68 yoa, Underwood, North Dakota

Diania Johnson \$4,500 07/06/2021, 77 yoa, Underwood, North Dakota

Douglas and Janice Auck \$4,500, 7/7/2021, 77, 75 yoa, Underwood, North Dakota

Diana Edinger (name listed on check) \$4,500, 7/08/2021, 71 yoa, Underwood, North Dakota

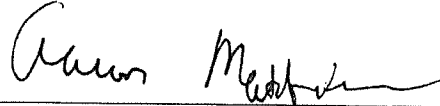
Gene and Wanda Walch, \$3,500, 7/09/2021, 78, 71 yoa Underwood, North Dakota

Larry or Arlene Arndt, \$1,500, 07/07/21, 72, 70 yoa Underwood, North Dakota

Mr. George Stewart did repair work including roofs and asphalt repair in other jurisdictions in North Dakota. There is an additional 20 alleged victims in different jurisdictions in North Dakota. These individuals were located by written checks for asphalt sealants/roof sealing in North Dakota through June and July of 2021 contained in Mr. Stewart's Wells Fargo account.

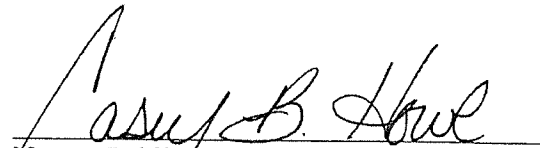
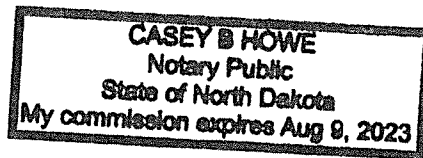
MC-21-07260

Dated September, 21, 2021.



Detective Aaron Matties

Subscribed and sworn before me on the 21st day of September, 2021.



Notary Public
State of North Dakota
County of McLean

My Commission Expires: Aug 9th 2023