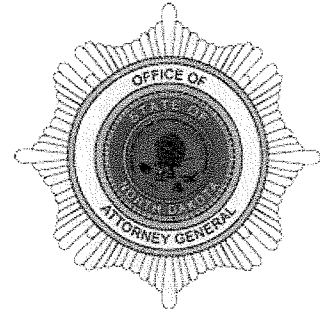




OFFICE OF ATTORNEY GENERAL
CONSUMER PROTECTION AND ANTITRUST DIVISION
GATEWAY PROFESSIONAL CENTER
1050 E INTERSTATE AVENUE, STE 200
BISMARCK, NORTH DAKOTA 58503-5574



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-

DIAHANN COTT doing business as
CHEAP BRANSON FUN ,
CHRISTIAN TRAVEL, and
GALAXY CHRISTIAN MINISTRY

Respondent.

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

CPAT # 150073.003

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

Diahann Cott
3152 N St NW
Miami, OK 74354-1917
cheapbransonfun@gmail.com
918-919-9965
888-574-6055

(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;" N.D.C.C. ch. 51-28, commonly referred to as the "Do Not Call Law;" and N.D.C.C. ch. 51-18, commonly referred to as the "Home Solicitation Sales Law." Respondent has refused or failed to respond to the Attorney General's Civil Investigative Demand, issued to Respondent pursuant to N.D.C.C. § 51-15-07. 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 Diahann Cott, doing business as Cheap Branson Fun, Christian Travel, and Galaxy Christian Ministry, has engaged in advertising and soliciting the sale of merchandise, including but not limited to, timeshare vacations, in North Dakota and has violated N.D.C.C. chs. 51-28, 51-18, and 51-15 during the telephone solicitation made to North Dakota subscribers.

3. The Attorney General's Consumer Protection Division received a complaint from an elderly North Dakota subscriber who paid \$99.00 to attend a timeshare vacation seminar after receiving a telephone solicitation from Respondent, or one of Respondent's agents on Respondent's behalf, soliciting him to travel to Gatlinburg, Tennessee. Respondent represented to the consumer that purchase was non-refundable. Additionally, the North Dakota subscriber had been on the North Dakota or Federal Trade Commission do-not-call list for over 31 days before the date of the call.

4. Respondent has engaged in telephone solicitations to telephone lines of subscribers in North Dakota who, for at least 31 days before the date the call is made, have been on the North Dakota or Federal Trade Commission do-not-call list, in violation of N.D.C.C. ch. 51-28, the Do Not Call law.

5. Respondent has been marketing, soliciting and selling merchandise to North Dakota consumers, without providing consumers with the necessary notices of right to cancel, as required by the North Dakota Home Solicitation Sales statute, N.D.C.C. ch. 51-18, and has been soliciting or accepting payments from North Dakota consumers prior to receiving an original copy of the sales contract signed by the consumer, in violation of N.D.C.C. § 51-18-04.2.

6. Violations of N.D.C.C. ch. 51-28 are violations of N.D.C.C. ch. 51-15.

7. Violations of N.D.C.C. ch. 51-18 are violations of N.D.C.C. ch. 51-15.

8. By soliciting consumers in violation of N.D.C.C. ch. 51-18, specifically by telling an elderly man that his purchase is non-refundable and then charging his credit card before receiving a signed contract, Respondent has made untrue, deceptive and misleading representations, and/or have 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.

9. 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.

10. On July 15, 2015 the Attorney General's Consumer Protection Division issued a Civil Investigative Demand pursuant to the Attorney General's authority under

N.D.C.C. § 51-15-04. The Civil Investigative Demand was issued to Diahann Cott, doing business as Cheap Branson Fun, Christian Travel, and Galaxy Christian Ministry. The Civil Investigative Demand required Respondent to provide to the Attorney General certain information and documentation regarding her business activities in North Dakota by July 31, 2015. Respondent did not provide any responses to the Attorney General's Civil Investigative Demand.

11. Respondent did not comply with the Attorney General's Civil Investigative Demand and, pursuant to N.D.C.C. § 51-15-07, the Attorney General may issue a cease and desist order for the Respondent's failure or refusal to file a statement or report under N.D.C.C. ch. 51-15.

12. Before issuing this Cease and Desist Order the Attorney General attempted to resolve this matter with an Assurance of Voluntary Compliance which required Respondent to be enjoined from making telephone solicitations to North Dakota subscribers and engaging in the advertisement or sale of merchandise in North Dakota. However, Respondent refused to sign the Assurance of Voluntary Compliance, and a formal agreement was never executed.

ORDER

13. 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, 51-28, and 51-18, and Respondent has failed or refused to respond to the Civil Investigative Demand, as required by N.D.C.C. § 51-15-07; **NOW, THEREFORE, IT IS ORDERED** pursuant to N.D.C.C. § 51-15-07 that Respondent immediately **CEASE AND DESIST** from: 1) advertising, soliciting or selling merchandise to North Dakota consumers, including timeshare vacations; 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) engaging in telephone solicitations to the telephone line of any subscriber in North Dakota who, for at least 31 days before the date the call is made, has been on the North Dakota or Federal Trade Commission do-not-call list; 4) advertising, soliciting, or selling merchandise to a North Dakota consumer without providing the consumer the written and verbal notice of rights to cancel as required by N.D.C.C. ch. 51-18; 5) 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 6) soliciting or accepting any payment from a North Dakota consumer before Respondents have received an original copy of the sales contract signed by the consumer, in violation of N.D.C.C. § 51-18-04.2; 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).

14. **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

15. **YOU, DIAHANN COTT, 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. 51-28 may result in additional civil penalties of not more than \$2,000 per violation and additional civil penalties of not more than \$5,000 per violation as a separate violation of N.D.C.C. ch. 51-15. Any violation of this Order that also is a violation of N.D.C.C. ch. 51-18 may result in additional civil penalties of not more than \$5,000 per violation and is a Class B misdemeanor. 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. 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, 51-28, and 51-18 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

16. **YOU, DIAHANN COTT, 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 24th day of August, 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
OFFICE OF ATTORNEY GENERAL

STATE OF NORTH DAKOTA EX REL.
WAYNE STENEHJEM,
ATTORNEY GENERAL,

Petitioner,

-vs-

DIAHANN COTT doing business as
CHEAP BRANSON FUN ,
CHRISTIAN TRAVEL, and
GALAXY CHRISTIAN MINISTRY

Respondent.

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

CPAT # 150073.003

STATE OF NORTH DAKOTA)
) ss
COUNTY OF BURLEIGH)

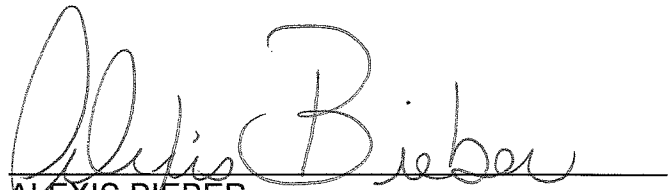
1. Alexis Bieber states under oath as follows:
2. I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct and made upon personal knowledge.
3. I am of legal age and on the 24th day of August, 2015, I served (1) CEASE AND DESIST ORDER, NOTICE OF CIVIL PENALTY AND NOTICE OF RIGHT TO REQUEST A HEARING, and (2) AFFIDAVIT OF SERVICE BY EMAIL, CERTIFIED MAIL, AND FIRST CLASS MAIL upon the following by placing a true and correct copies thereof in an envelope addressed as follows:

FIRST CLASS MAIL
DIAHANN COTT
3152 N ST NW
MIAMI OK 74354-1917


RETURN RECEIPT # 7011 2970 0003 8089 9774
DIAHANN COTT
3152 N ST NW
MIAMI OK 74354-1917

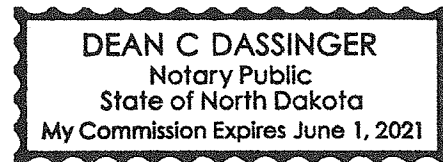
and depositing the same, with postage prepaid, in the United States mail at Bismarck, North Dakota.

4. Also on the 24th day of August, 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 EMAIL, CERTIFIED MAIL, AND FIRST CLASS MAIL upon Diahann Cott, dba Cheap Branson Fun by emailing the documents to cheapbransonfun@gmail.com and carriebradley1234@gmail.com .


ALEXIS BIEBER

Subscribed and sworn to before me
this 24th day of August, 2015.


NOTARY PUBLIC



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