

N.D.A.G. Letter to Meier (April 2, 1985)

April 2, 1985

Honorable Ben Meier
Secretary of State
State Capitol
Bismarck, ND 58505

Dear Secretary Meier:

Thank you for your letter of March 27, 1985, regarding the alleged failure of Thermo Tech, Inc., to obtain a contractors license.

As you state in your letter, N.D.C.C. 43-07-02 prohibits contractors from engaging in any work in excess of \$500 until they are licensed with your office. According to a March 25, 1985, article published in the Bismarck Tribune, Thermo Tech, Inc., a foreign corporation, allegedly engaged in contracting work at the Walhalla ethanol plant without being licensed with your office. The article further provides that the primary contractor has suspended Thermo Tech pending an investigation.

Therefore, it would appear that an injunction pursuant to N.D.C.C. §43-07-02, preventing Thermo Tech from engaging in the business of a contractor would not be necessary at this time. However, acting in the capacity of a contractor without a license is a class B misdemeanor under N.D.C.C. §43-07-18. I am aware that Pembina county State's Attorney Robert Lee has filed a criminal complaint against Thermo Tech for operating without a contractor's license.

Pursuant to N.D.C.C. 43-07-04.1, a violation of N.D.C.C. Ch. 43-07 does not bar licensure unless the offense has a direct bearing upon a person's or corporation's ability to serve the public as a contractor. Therefore, it is my opinion that you may not refuse to issue a contractor's license to Thermo Tech, Inc., based upon an alleged violation of N.D.C.C. 43-07-18.

Sincerely,

Nicholas J. Spaeth

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