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STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL

STATE OF NORTH DAKOTA EX REL. WAYNE STENEHJEM, ATTORNEY GENERAL, Petitioner, -vs- **LIBERIAN CENTER FOR GROWTH AND DEVELOPMENT, INC.**; **LIBERIANCENTER.ORG**; **LIBERIANCENTER.COM**; **BOOKSFORLIBERIA.COM**; **NABOTH BAHNSAIDEH ZONDO HIGHFILL,** also known as **NABOTH ZONDO,** Individually; **PETER D. BELLEH**, Individually; and **JENKINS TARWOE**, Individually; Respondents.	**CEASE AND DESIST ORDER, NOTICE OF CIVIL PENALTY AND NOTICE OF RIGHT TO REQUEST A HEARING** CPAT 100197.001

To each of the individuals and entities identified below (hereinafter collectively "Respondents"):

Liberian Center for Growth and Development, Inc.
4101 19th Avenue South, Ste. # 101
Fargo, ND 58103-7130
and
3160 33rd St. South, Ste. #107
Fargo, ND 58103-7837
and
1664 Barnett Road
Columbus, OH 43227-3523
and

PO Box 1052
Monrovia, Liberia-West Africa
701-541-6798
701-219-6750
011-231-653-0232
011-231-659-4855

Naboth Bahnsaideh Zondo Highfill
aka Naboth Zondo
4101 19th Avenue South Ste. # 101
Fargo, ND 58103-7130
and
1664 Barnett Road
Columbus, OH 43227-3523
nabothzondo@liberiancenter.org

Peter D. Belleh
4101 19th Avenue South Ste. # 101
Fargo, ND 58103-7130
pbelleh@yahoo.com

Jenkins Tarwoe
4101 19th Avenue South Ste. # 101
Fargo, ND 58103-7130
tarwoej@yahoo.com

Liberiancenter.org
4101 19th Avenue South # 101
Fargo, ND 58103-7130

Liberiancenter.com
3160 33rd St. South, Ste. #107
Fargo, ND 58103-7837

Booksforliberia.com
4101 19th Avenue South # 101
Fargo, ND 58103-7130

(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 Respondents have engaged in and are 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. 50-22, commonly referred to as the "Charitable Organizations Soliciting Contributions Law." It is necessary and appropriate in the public interest and for the protection of consumers to restrain the Respondents' unlawful acts or practices.

2. Respondents, individually and by and through their agents, are doing business under some or all of the names identified above and have engaged in violation of North Dakota's Consumer Fraud Law and Charitable Organizations Soliciting Contributions Law by making false or misleading statements or misrepresentations in advertisements and solicitations aimed at North Dakota consumers and businesses, and by soliciting funds from North Dakota persons without having registered as a charitable organization as required by law. Alternatively, each of the Respondents is engaged in a combination of two or more persons who have agreed to act together to inflict a wrong or an injury upon another, or who have agreed to act together to commit a lawful act using unlawful means to inflict a wrong or injury upon another, namely by engaging in violations of North Dakota's Consumer Fraud Law and Charitable Organizations Soliciting Contributions Law. In doing so, Respondents have committed acts in pursuit of the agreement and the agreement has proximately caused damage to North Dakota consumers.

3. Respondent Liberian Center for Growth and Development, Inc. (hereinafter "LCGD") is registered with the Ohio Secretary of State as a domestic non-profit corporation. LCGD has used the mailing addresses of 4101 19th Avenue South,

Ste. #101, Fargo, North Dakota 58103; 3160 33rd Street South, Ste. #107, Fargo, North Dakota 58103; and 1664 Barnett Road, Columbus, Ohio 43227. Naboth Bahnsaideh Zondo Highfill is listed as an initial director of LCGD. Naboth Bahnsaideh Zondo Highfill, also known as Naboth Zondo (hereinafter "Zondo"), has used the mailing addresses of 4101 19th Avenue South, Ste. #101, Fargo, North Dakota 58103 and 1664 Barnett Road, Columbus, Ohio 43227. The international director for LCGD is Peter D. Belleh (hereinafter "Belleh"). Jenkins Tarwoe (hereinafter "Tarwoe") is an agent of LCGD who has participated in charitable solicitations in North Dakota. LCGD is doing business as and operates the websites liberiancenter.org, liberiancenter.com, and booksforliberia.com.

4. Respondents are not registered with the North Dakota Secretary of State as a charitable organization as required by North Dakota Century Code ("N.D.C.C.") ch. 50-22. Respondents have solicited contributions from persons in North Dakota without being properly registered as a charitable organization. It is a class A misdemeanor for a person to conduct a solicitation in violation of N.D.C.C. ch. 50-22. Respondents have represented that LCGD is a 501(c)(3) nonprofit organization. However, LCGD is not registered as a 501(c)(3) nonprofit organization. Respondents' representations that LCGD is a 501(c)(3) nonprofit organization are false.

5. Respondents are soliciting contributions, allegedly for a library in Liberia, West Africa. Respondents Zondo, Belleh, and Tarwoe have represented that LCGD has received many donations from North Dakota entities. Respondents plan to host an event in Fargo, North Dakota on July 28-30, 2010 to raise money for the alleged establishment of a public library system in Liberia.

6. Respondents, for the purpose of inducing charitable donations, have made misleading representations regarding their affiliation with the State of North Dakota. Respondents have previously indicated that North Dakota Governor John Hoeven and Liberian President Ellen Johnson-Sirleaf would be in attendance at their event on July 28-30, 2010. On or about April 29, 2010 Respondents Zondo, Belleh, and Tarwoe requested that Governor John Hoeven extend an invitation to the Liberian President to attend their event in Fargo, North Dakota. Governor John Hoeven declined Respondents' requests. Governor Hoeven also declined Respondents' invitations to the event. Nevertheless, Respondents falsely have represented that Governor John Hoeven would be in attendance at the event. Respondents disseminated a "Presidential Itinerary" falsely stating, among other things, "July 29, 2010 – Thursday, 12:00 p.m. President Sirleaf have lunch with Governor John Hoeven, Sec. Ed Schafer, the Mayors of Bismarck, West Fargo, and Fargo-Moorhead and business executives at the Ramada, discussing Liberia's relationship with the U.S, and a nation-state relationship with the State of North Dakota." During an interview with the Liberian Observer, LCGD's representative falsely stated that Governor John Hoeven would hold meetings on the improvement of the Liberian educational sector and the new Armed Forces of Liberia. In a radio interview on May 11, 2010, Respondent Zondo falsely stated that Respondents had the "endorsement of Governor John Hoeven." Respondents also falsely represented that the U.S. Army Guard 188 Band would be in attendance at their event and would sing the Liberian National Anthem upon Liberian President Sirleaf's arrival. Additionally, Respondents have falsely represented that Liberian History, Education & Development, Inc. is a "parent organization" of Liberian Center for Growth and Development, Inc.

7. Respondents have 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.

8. Each of the Respondents is engaged in a combination of two or more persons who have agreed to act together to inflict a wrong or an injury upon another, or who have agreed to act together to commit a lawful act using unlawful means to inflict a wrong or injury upon another, namely violation of North Dakota's Charitable Organizations Soliciting Contributions Law at ch. 50-22 and Consumer Fraud Law at ch. 51-15.

9. Respondents are liable for their own misconduct and/or for directing others to engage in misconduct. *See e.g. Zimprich v. North Dakota Harvestore Sys., Inc.*, 419 N.W.2d 912, 914 (N.D. 1988); *Rickbeil v. Grafton Deaconess Hosp.*, 23 N.W.2d 247, 257 (N.D. 1946)("The general rule with reference to this feature is considered and set out in the great series of volumes of jurisprudence familiar to the courts. In 52 Am. Jur. 440, this rule is stated, 'It is a conceded general rule that all persons or entities are liable for torts committed by them, or by their agents while acting within the scope of their duties.'").

10. Respondents who are natural persons will additionally be subject to personal liability for corporate misconduct. *Hilzendager v. Skwarok*, 335 N.W.2d 768 (N.D 1983)(quoting *Schriock v. Schriock*, 128 N.W.2d 852, 866 (N.D. 1964)("'... but, when the notion of legal entity is used to defeat public convenience, justify wrong, protect fraud, or defend crime, the law will regard the corporation as an association of persons.' Fletcher, Private Corporations Sec. 41 (1963 rev. vol.)."). The crime/fraud exception to the protections of corporate form has long been recognized in North

Dakota, "neither law nor equity will ever recognize the right of a corporate entity to become the receptacle or cover for fraud or wrong based on deception for the purpose of defeating the right of innocent parties." *McFadden v. Jenkins*, 169 N.W. 151, 163 (N.D. 1918). *See also Danks v. Holland*, 246 N.W.2d 86 (N.D. 1976); *Family Center Drug v. North Dakota St. Bd. of Pharm.*, 181 N.W.2d 738, 745 (N.D. 1970).

ORDER

NOW, THEREFORE, IT IS ORDERED pursuant to N.D.C.C. § 51-15-07 that Respondents, their agents, servants, employees, contractors, representatives (extending to all "doing business as" names, formal corporate names, aliases, fictitious names of any kind or any variations of the same) as well as all other persons in active concert or participation with them, whether directly or indirectly, immediately **CEASE AND DESIST** from: 1) advertising, soliciting, or accepting donations in North Dakota; 2) advertising or soliciting donations using untrue, deceptive or misleading representations 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 §§ 50-22-04.3 and 51-15-02; 3) engaging in any charitable solicitations in violation of North Dakota Century Code ("N.D.C.C.") ch. 50-22; and 4) engaging in any business activities in violation of N.D.C.C ch. 51-15.

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

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 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. 50-22 may result in additional civil penalties of not more than $5,000 per violation and is a Class A misdemeanor. 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

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 THE RECEIPT OF THIS ORDER. Respondents have the right to be represented by legal counsel at the hearing.

Dated this 2nd day of July, 2010.

STATE OF NORTH DAKOTA
Wayne Stenehjem
Attorney General

BY: Parrell D. Grossman

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