

STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL

In re:)	
)	
THOMAS J. HUTCHINSON)	ASSURANCE OF DISCONTINUANCE
CONTRACTOR, INC. and)	(5 M.R.S. § 210)
THOMAS J. HUTCHINSON)	

This Assurance of Discontinuance ("Assurance") is entered into by the Attorney General of the State of Maine ("Attorney General") acting pursuant to 5 M.R.S. § 210, Thomas J. Hutchinson Contractor, Inc. and Thomas J. Hutchinson (collectively, "Hutchinson").

BACKGROUND

1. Until January 8, 2010, Hutchinson, a resident of Hampden, Maine, was in the home construction business as a general contractor, who built a large number of homes, mostly in and around Penobscot County.
2. In 2009, Hutchinson entered into contracts with four couples to build four homes, which he began and worked on during that year.
3. The consumers financed the projects with construction loans obtained from their banks. Hutchinson received a deposit from each couple before he commenced the project.
4. Hutchinson subsequently submitted invoices as well as lien waivers from subcontractors to the banks to obtain disbursements to pay for labor, materials and subcontractors. The banks disbursed the loan proceeds

based on the percentage of the projects that were completed according to Hutchinson's representations or inspection reports.

5. By letter of January 8, 2010, Hutchinson's attorney notified the consumers that Hutchinson would not complete their homes.

6. At the time that Hutchinson ceased providing construction services, the amount of the consumers' construction loan proceeds that had been disbursed to him equaled or exceeded the amount of work completed.

7. The consumers complained to the Attorney General who commenced an investigation. The consumers had liens placed on their property by suppliers and subcontractors. They had to pay others to complete their homes; and they had to hire attorneys to resolve their lien issues.

8. Hutchinson has not worked as a general contractor in the construction business since January 8, 2010. He recently obtained a discharge from the Bankruptcy Court, and is now working as a self-employed carpenter and cabinetmaker with no employees.

THE ATTORNEY GENERAL'S POSITION

The Attorney General contends that Hutchinson's actions as described above constitute unfair and/or deceptive trade practices in violation of 5 M.R.S. § 207. He acknowledges that his investigation uncovered no warranty issues relating to Hutchinson's workmanship, and that Hutchinson has been cooperative.

6. Hutchinson shall inform the consumer in writing at the time he accepts a job that the consumer is responsible for obtaining lien waivers from suppliers and subcontractors.

7. Hutchinson shall bill for his services at his hourly rate for work completed on a timely basis.

8. After the three years, if Hutchinson wants to work as a general contractor in the home construction business again, he shall notify the Attorney General by letter to Assistant Attorney General Linda J. Conti, Consumer Protection Division, 6 State House Station, Augusta, ME 04333-0006. Upon request, he shall provide a business plan which must satisfy the Attorney General that he can manage his business without harm to the public.

9. Hutchinson shall not represent, directly or indirectly, or in any manner whatsoever, that the Attorney General has sanctioned, condoned or approved, in any manner whatsoever, any part or aspect of his past, or any future, business operation. It is agreed and understood that the contents of the Assurance are, and shall be, public information.

10. In exchange for Hutchinson's agreement to the provisions herein, the Attorney General waives any claims that he has, or may have had, against Hutchinson arising from possible violations of 5 M.R.S. § 207 relating to the conduct of his construction business prior to January 8, 2010 including, but not limited to, claims for civil penalties and injunctive relief, other than that which is set forth in this Assurance.

11. It is further agreed and understood that, while the parties to this Assurance presently intend to cooperate in securing and obtaining compliance with the terms of the Assurance, the matters settled by the filing of this agreement may be reopened at any time by the Attorney General of Maine for further proceedings in the public interest, including such actions as may be necessary to monitor and enforce compliance with this Assurance.

THOMAS J. HUTCHINSON
CONTRACTOR, INC.

Date: _____

By: _____

Name _____

Title _____

Date: _____

6/21/11

THOMAS J. HUTCHINSON, INDIVIDUALLY

Date: _____

7/5/11

LINDA J. CONTI
ASSISTANT ATTORNEY GENERAL