

[REDACTED]

FACTUAL HISTORY

11. At the time the Respondent offered and sold the Promissory Note to the Resident, the Respondent was not registered to offer or sell securities in the State of South Carolina.

12. The Promissory Note was not registered for sale in the State of South Carolina.

13. Respondent did not make payments of interest and/or principal on the Promissory Note as promised.

14. The Resident's last communication from the Respondent was on or about October 15,

2007, and Respondent promised to:

a. Begin payments on November 15, 2007.

b. Make payments would total \$300,000.00 including principal, interest and penalties.

15. Despite attempts by the Resident, there has been no further communication between the Resident and the Respondent.

16. Respondent has not made the payments to the Resident as agreed upon in the revised

agreement that Respondent published on October 15, 2007.

20 The subpoena was served in the manner designated by the Act

29. Pursuant to S.C. Code Ann. § 35-1-1210 of the Prior Act, it is unlawful for any person, in connection with the offer, sale, or purchase of any security, directly or indirectly, to:

~~Engage in any device, scheme, or artifice to defraud;~~

- b. Make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading; or
- c. Engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person

30. Pursuant to S.C. Code Ann. § 35-1-602(a)(1) of the Act, the Securities Commissioner may conduct public or private investigations within or outside of this State which the Securities

(a) is effective on the date of issuance. Upon issuance of the order, the Securities Commissioner shall promptly serve each person subject to the order with a copy of the order and a notice that the order has been entered. The order must include a statement of any civil penalty or costs of investigation the Securities Commissioner will seek, a statement of the reasons for the order, and notice that, within 15 days

for receipt of a request in regard from the person, the matter will be scheduled for

c. Pursuant to S.C. Code Ann. § 35-1-1475 of the Prior Act, the Securities

Commissioner may impose and collect an administrative fine against any person

c. The Respondent violated S.C. Code Ann. § 35-1-410 of the Prior Act when he offered and sold a security to a resident of this State while he was not registered in this State as a broker-dealer or agent or exempt from licensing under the Prior Act

d. The Respondent has not asserted to the Division any claim of exemption from registration with the Division, either on his behalf or on behalf of the security.

e. The Respondent violated S.C. Code Ann. § 35-1-1210 of the Prior Act and engaged in securities fraud when he offered and sold a security to a resident of this State by use of untrue statements of material facts, including but not limited to the following:

- i. Respondent told the Resident she could get her money back any time she wanted it, which was not true; and
- ii. Respondent told the Resident her funds would be used for the development of

commercial properties in the Charlotte, North Carolina area and they were not

CEASE AND DESIST ORDER

~~NOW THEREFORE~~ pursuant to S.C. Code Ann. § 35-1-604(2)(1) of the Act IT IS

HEREBY ORDERED that the Respondent:

- a. Cease and desist from offering and/or selling securities in or from the State of South Carolina, in violation of S.C. Code Ann. §§ 35-1-301, 35-1-401 and 35-1- 501 of the Act; and
- b. Pay a civil penalty in the amount of five thousand dollars (\$5,000.00) if this Order

Failure by the Respondent to file a written request for a hearing in this matter within the

such a hearing. Failure of the Respondent to file an Answer, including a request for a hearing.