

STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
SECURITIES DIVISION

IN THE MATTER OF DETERMINING) Order Number S-04-092-04-TO01
Whether there has been a violation of the)
Securities Act of Washington by:) SUMMARY ORDER TO CEASE AND
) DESIST, AND NOTICE OF INTENT TO
Rebecca M. Beers;) IMPOSE FINES AND ORDER
 a.k.a. Rebecca M. Crow;) AFFIRMATIVE RELIEF
 a.k.a. Rebecca M. Rodli;)
 a.k.a. Rebecca M. Scevers;)
 d.b.a. Senior & Disability)
 Consulting; and)
Robert D. Beers,)
)
Respondents.)

THE STATE OF WASHINGTON TO: Rebecca M. Beers and Robert D. Beers

STATEMENT OF CHARGES

Please take notice that the Securities Administrator of the State of Washington has reason to believe that the Respondents, Rebecca M. Beers and Robert D. Beers, have each violated the Securities Act of Washington ("Securities Act") and that their violations justify the entry of an order of the Securities Administrator under RCW 21.20.390 against them to cease and desist from such violations and under RCW 21.20.395 to impose fines. The Securities Administrator finds that delay in ordering the Respondents to cease and desist from such violations would be hazardous to investors and to the public and that a Summary Order to Cease and Desist should be entered immediately. The Securities Administrator finds as follows:

SUMMARY ORDER TO CEASE AND DESIST, AND
NOTICE OF INTENT TO IMPOSE FINES AND
ORDER AFFIRMATIVE RELIEF

1 **TENTATIVE FINDINGS OF FACT**

2 **RESPONDENT**

3 1. Rebecca M. Beers, a.k.a. Rebecca M. Crow, a.k.a. Rebecca M. Rodli, a.k.a. Rebecca M.
4 Scevers, d.b.a. Senior & Disability Consulting, is a resident of Vancouver, Washington.

5 2. Robert D. Beers is the husband of Rebecca Beers. He resides in Vancouver,
6 Washington.

7 **BACKGROUND**

8 3. On or about February 27, 2003, Rebecca Beers was convicted of one felony count of
9 identity theft in Clark County, Washington.

10 **NATURE OF THE OFFERING**

11 4. In approximately October 2003, Beers represented herself to at least one senior citizen
12 as a "Senior Consultant." Beers advised the senior citizen to withdraw all of the funds from his
13 IRA account and told him that she would invest his funds for him in a tax-exempt investment.

14 5. Rebecca Beers later issued an invoice to the senior citizen on "Senior & Disability
15 Consulting" letterhead, which included an address in Vancouver, Washington. Rebecca Beers
16 charged the senior citizen an hourly fee for the investment advice that she provided.

17 6. In November 2003, the senior citizen wrote Rebecca Beers a check in the amount of
18 \$36,000. In return, Robert and Rebecca Beers issued a promissory note to the senior citizen.
19 Under the terms of the note, the Beers promised to pay a 20% return, payable in monthly
20 interest payments of \$600 per month, as well as a return of the principal in one year. The Beers
21 have not made monthly payments in accordance with the terms of the note.
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1 7. Rather than invest the funds in a tax-exempt investment, Rebecca Beers deposited most
2 of the senior citizens' funds into a Washington bank account in the name of AIM Driving
3 School, a Vancouver, Washington driving school that she operates along with Robert Beers.
4 Rebecca Beers subsequently transferred much of the investor's funds to family members and
5 her personal checking account.

6
7 8. During the Securities Division's investigation of this matter, the Beers were questioned
8 regarding the offer and sale of the promissory note. The Beers both asserted their Fifth
9 Amendment privilege against self-incrimination and refused to answer the staff's questions.

10 **MISREPRESENTATIONS AND OMISSIONS**

11 9. In the offer and sale of the promissory note, the Beers failed to disclose material
12 information, which made the information that was disclosed misleading to the investor.
13 Among other things, the Beers failed to disclose information relating to the use of investor's
14 funds and the basis for their ability to pay a 20% return. Furthermore, the Beers failed to
15 disclose material information about the background of Rebecca Beers, including her conviction
16 earlier in 2003 for identity theft.

17 **REGISTRATION STATUS**

18 10. The offering of the Beers' promissory note is not currently and has not previously been
19 registered under the Securities Act and no notification of exemption is on file with the
20 Securities Administrator of the State of Washington.

21
22 11. Rebecca M. Beers is not currently registered as a securities salesperson, investment
23 adviser, investment adviser representative, or broker-dealer in the state of Washington, and has not
24 previously been so registered.

1 Based upon the Tentative Findings of Fact, the following Conclusions of Law are made:

2 **CONCLUSIONS OF LAW**

3 1. The offer and/or sale of a promissory note by the Beers, as set forth in the above in the
4 Tentative Findings of Fact, constitutes the offer and/or sale of a security, as defined in RCW
5 21.20.005(10) and (12).

6 2. Rebecca M. Beers and Robert D. Beers have each violated RCW 21.20.010 because, in
7 connection with the offer or sale of said securities, they engaged in a scheme or artifice to
8 defraud, made untrue statements of material fact, or omitted to state material facts necessary in
9 order to make the statements made, in the light of the circumstances under which they were
10 made, not misleading.

11 3. Rebecca M. Beers and Robert D. Beers have each violated RCW 21.20.140, the securities
12 registration provision of the Securities Act, because they offered and/or sold securities for which
13 there was no registration on file with the Securities Administrator, and it appears that they do not
14 otherwise qualify for an exemption from registration.

15 4. Rebecca M. Beers violated RCW 21.20.040 because she offered and/or sold securities
16 while not registered as a securities salesperson or broker-dealer in the State of Washington
17 and/or provided investment adviser services while not registered as an investment adviser
18 representative in the State of Washington.

19 5. The Securities Administrator finds and concludes that an emergency exists and that
20 continued violations of the Securities Act, RCW 21.20, would constitute a threat to the
21 investing public. Accordingly, a Summary Order to Cease and Desist from those violation is in
22 the public interest and necessary for the protection of the investing public.
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1 **SUMMARY ORDER**

2 Based upon the foregoing,

3 IT IS THEREFORE HEREBY SUMMARILY ORDERED that the Respondents, Rebecca
4 M. Beers, Robert D. Beers, and their agents, employees, and representatives, shall each cease and
5 desist from violating RCW 21.20.010, the anti-fraud section of the Securities Act.

6 It is further SUMMARILY ORDERED that the Respondents, Rebecca M. Beers and
7 Robert D. Beers shall each cease and desist from violating RCW 21.20.140, the section of the
8 Securities Act that requires registration of securities.

9 It is further SUMMARILY ORDERED that the Respondent Rebecca M. Beers shall
10 cease and desist from violating RCW 21.20.040, the section of the Securities Act that requires
11 registration of securities salespersons, investment adviser representatives, broker-dealers and
12 investment advisers.

13 **NOTICE OF INTENT TO IMPOSE FINES**

14 Pursuant to RCW 21.20.395, and based upon the above Tentative Findings of Fact and
15 Conclusions of Law, the Securities Administrator finds that the Respondents have committed a
16 knowing or reckless violation of the Securities Act such that the imposition of a fine is required.
17 Therefore, the Securities Administrator intends to order that the Respondents, Rebecca M. Beers
18 and Robert D. Beers, shall be jointly and severally liable for and shall pay a fine in the amount of
19 \$5,000.

20 **NOTICE OF INTENT TO ORDER AFFIRMATIVE RELIEF**

21 Pursuant to RCW 21.20.390, and based upon the above Tentative Findings of Fact and
22 Conclusions of Law, the Securities Administrator finds that affirmative action is warranted to
23 correct the conditions resulting from the Respondents' violations. Therefore, the Securities
24 Administrator intends to order that the Respondents, Rebecca M. Beers and Robert D. Beers,
25 shall be liable for and shall provide appropriate affirmative relief, including, without limitation,

1 a requirement to provide full restitution to the investor, and the costs, fees, and other expenses
2 incurred in the conduct of this investigation.


3 **AUTHORITY AND PROCEDURE**

4 This Order is entered pursuant to the provisions of RCW 21.20.390 and RCW 21.20.395,
5 and is subject to the provisions of RCW 34.05. The Respondents may each make a written request
6 for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND
7 OPPORTUNITY FOR HEARING accompanying this Order. A request for a hearing should be in
8 writing and should be sent to Michael E. Stevenson, Securities Administrator, c/o Robert Kondrat,
9 Department of Financial Institutions, P.O. Box 9033, Olympia, WA 98507-9033.

10 If a Respondent does not make a timely hearing request, the Securities Administrator
11 intends to adopt the above Tentative Findings of Fact and Conclusions of Law as final and make
12 the Summary Order to Cease and Desist permanent as to that Respondent and impose the fine and
13 affirmative relief as set forth.

14 WILLFUL VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.

15 Dated this 25th day of August, 2004

17 
18 Michael E. Stevenson
19 Securities Administrator

20 Approved by:

21 

22 Martin Cordell
23 Chief of Enforcement

Presented by:

24 

25 Robert Kondrat
Financial Legal Examiner