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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
SECURITIES DIVISION**

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IN THE MATTER OF DETERMINING
Whether there has been a violation of the Business
Opportunity Fraud Act of Washington by:

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GLOBAL VENDING, INC.; THOMAS J. FOLEY;
their agents and employees,

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Respondents.

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SDO - 37 - 02

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ENTRY OF FINDINGS OF FACT AND
CONCLUSIONS OF LAW AND FINAL ORDER TO
CEASE AND DESIST

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Case No. 01-11-0475

THE STATE OF WASHINGTON TO: Thomas J. Foley
Global Vending, Inc.
5111 N.W. 108th Ave.
Sunrise, FL 33351

On March 4, 2002, the Securities Administrator of the State of Washington issued Summary Order to Cease and Desist SDO-20-02 hereinafter referred to as "Summary Order."

The Summary Order, together with a Notice of Opportunity to Defend and Opportunity for Hearing (hereinafter referred to as "Notice of Opportunity for Hearing") and an Application for Adjudicative Hearing (hereinafter referred to as "Application for Hearing"), were served via certified mail on Respondents Thomas J. Foley and Global Vending, Inc. on March 11, 2002. The Notice of Opportunity for Hearing advised Respondents that they had twenty days from the date they received the notice to file a written application for an administrative hearing on the Summary Order.

Each of the Respondents declined to request an administrative hearing within twenty days of its receipt of the Summary Order and Notice of Opportunity for Hearing, either on the Application for Hearing provided or otherwise.

The Securities Administrator therefore adopts as final the findings of fact and conclusions of law as set forth in the Summary Order.

FINAL ORDER TO CEASE AND DESIST

The Securities Administrator makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

I. Respondent

1. **GLOBAL VENDING, INC.** (“Global Vending”) is a Florida corporation with a business address of 5111 N.W. 108th Ave., Sunrise, FL 33351.

2. **THOMAS J. FOLEY** was the President of Global Vending at all times relevant to the matters set forth herein.

II. Nature of the Offering

3. On November 26, 2001, a Washington resident forwarded an e-mail sent to him by Global Vending to a Securities Division staff member. The e-mail contains an advertisement for a vending program that offers “immediate income”, “proven profitability”, “unlimited growth potential”, and the ability to “profit as much as 260% from the sale of these highly popular products.” In addition, the e-mail states that, “high profit locations are still plentiful at this time and are included in this lucrative turn-key opportunity.”

4. On November 29, 2001, a Securities Division staff member contacted Global Vending at a phone number contained in the e-mail and left a voice mail message. On December 13, 2001, the staff member received a return phone call from a Global Vending employee. The Global Vending employee told the staff member that each vending machine would earn approximately \$1400 per year, and that vending machine locations would be included in the purchase price. The Global Vending employee agreed to send the staff member further information.

5. On or about December 14, 2001, the staff member received a package of information from Global Vending via United Parcel Service, which included promotional materials and a purchase order form for Global Vending vending machines. A price list was included in these materials. The price list indicates that as few as ten vending machines may be purchased for a price of \$6,495.

1 6. The materials provided by Global Vending include an offer to provide assistance in finding
2 locations to place the vending machines. The price list states that vending machine locations are included in
3 the purchase price. For example, ten locations are included with the purchase of ten vending machines. A
4 Global Vending employee also provided a Securities Division staff member with the name and telephone
5 number of a vending machine locator during a telephone conversation.

6 7. No disclosure document containing complete material information regarding Global Vending,
7 including but not limited to a financial statement of the seller, was provided along with the above described
8 materials.

9 **III. Registration Status**

10 8. Global Vending is not currently registered to sell its business opportunities in the state of
11 Washington and has not previously been so registered.

12 Based upon the above Findings of Fact, the following Conclusions of Law are made:

13 **CONCLUSIONS OF LAW**

14 1. The offer and/or sale of vending equipment as described above constitutes the offer and/or sale of
15 a business opportunity as defined in RCW 19.110.020(1).

16 2. The offer and/or sale of said business opportunity is in violation of RCW 19.110.050(1) because it
17 is has not been registered with the Securities Administrator, prior to the advertising, soliciting, or making of
18 any offer and/or sale of the business opportunity in this state.

19 3. The offer and/or sale of said business opportunity was made in violation of RCW 19.110.070 and
20 RCW 19.110.120, the disclosure document and antifraud provisions of the Business Opportunity Fraud Act,
21 respectively. Respondent violated those provisions by failing to provide prospective purchasers a disclosure
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1 document containing complete material information regarding the business opportunity, including but not
2 limited to a financial statement of the seller.

3 **FINAL ORDER**

4 Based upon the above Findings of Fact and Conclusions of Law, it is hereby:

5 ORDERED that Global Vending, Inc. and Thomas J. Foley cease and desist from violating RCW
6 19.110.050(1), the registration provision of the Business Opportunity Fraud Act.

7 It is further ORDERED that Global Vending, Inc. and Thomas J. Foley cease and desist from violating
8 RCW 19.110.070 and RCW 19.110.120, the disclosure document and antifraud provisions of the Business
9 Opportunity Fraud Act.

10 This Order is entered pursuant to RCW 19.110.150 and is subject to the provisions of ch. 34.05 RCW.

11 **WILLFUL VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.**

12 DATED this 8th day of May, 2002.

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18 DEBORAH R. BORTNER
19 Securities Administrator

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21 Approved By:

Presented by:

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23 _____
24 Michael E. Stevenson

25 FINAL ORDER TO CEASE AND DESIST

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27 DEPARTMENT OF FINANCIAL INSTITUTIONS
Securities Division
PO Box 9033
Olympia, WA 98507-9033
360-902-8760

Chief of Enforcement

Staff Attorney

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FINAL ORDER TO CEASE AND DESIST

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