

STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
SECURITIES DIVISION

IN THE MATTER OF DETERMINING
Whether there has been a violation
of the Washington Franchise Investment
Protection Act by:

Body Balance for Performance, L.L.C.

Respondent.

SDO - 67 - 99

CONSENT ORDER

Case No. 99-07-0239

THE STATE OF WASHINGTON TO:

Body Balance for Performance, L.L.C.
3935 Foothill Boulevard
La Crescenta, CA 91214

INTRODUCTION

The Securities Division, Department of Financial Institutions, State of Washington, and Respondent Body Balance for Performance, L.L.C. do hereby agree to this Consent Order in settlement of the matters alleged herein. Respondent neither admits nor denies the Tentative Findings of Fact and Conclusions of Law as set forth below.

TENTATIVE FINDINGS OF FACT

I.

Body Balance for Performance, L.L.C. is a California Limited Liability Company with a principal business address of 3935 Foothills Boulevard, La Crescenta, California.

II.

Body Balance for Performance, L.L.C. is in the business of licensing, marketing, and distributing a golf health, fitness, and performance training program. Body Balance for Performance, L.L.C. licensees are assigned exclusive geographic territories in which they may market the program, and are responsible for the opening of a local facility where the program can be displayed and sold to local golfers. They are obligated to pay franchise

CONSENT ORDER

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Body Balance for Performance, L.L.C.

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

1 fees, and are entitled to utilize various trademarks, trade names, proprietary management and marketing materials,
2 and to obtain training in the promotion and operation of the business.

3 III.

4 On July 23, 1998, Body Balance for Performance, L.L.C. filed or caused to be filed with the Securities
5 Division an application to register its program in Washington (Franchise Registration Application File No. F-
6 03071) pursuant to Washington's Franchise Investment Protection Act. The Uniform Franchise Offering
7 Circular filed with the application indicated that Body Balance for Performance, L.L.C. had sold its program to
8 three Washington residents prior to the date of application.

9 IV.

10 Body Balance for Performance, L.L.C. is not currently and has not previously been registered to offer
11 or sell franchises in the state of Washington.

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

13 CONCLUSIONS OF LAW

14 I.

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16 The offer and/or sale of the program as described in Tentative Findings of Fact I through III above
17 constitutes the offer and/or sale of a franchise as defined in RCW 19.100.010(4).

18 II.

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20 The offers and/or sales of the franchises as described in Tentative Findings of Fact I through IV above
21 were in violation of RCW 19.100.020 because no franchise registration was in effect with the Administrator of
22 Securities of the State of Washington nor was a permit issued to Body Balance for Performance, L.L.C.

ORDER AND CONSENT

Based on the premises of the foregoing:

IT IS THEREFORE AGREED AND ORDERED that Respondent Body Balance for Performance, L.L.C. and its employees and agents shall each cease and desist from the offer and/or sale of franchises in the State of Washington in violation of RCW19.100.020, the registration requirement provision of the Franchise Investment Protection Act.

IT IS THEREFORE AGREED that Respondent Body Balance for Performance, L.L.C. shall disclose the existence and contents of this Order in any franchise registration disclosure document approved for use in the State of Washington, such requirement commencing from the date of entry of this Order.

IT IS THEREFORE AGREED that Respondent Body Balance for Performance, L.L.C. shall inform all of its employees and agents who offer franchises in the State of Washington of the existence and contents of this Order for a period of three years from the date of entry of this Order.

IT IS THEREFORE AGREED AND ORDERED that this Order shall remain in force and effect for a period of three years from the date of entry of this Order.

IT IS THEREFORE AGREED that Respondent Body Balance for Performance, L.L.C. shall waive its right to a hearing in this matter.

IT IS THEREFORE AGREED that the Securities Division has jurisdiction to enter this Order.

WILLFUL VIOLATION OF AN ORDER OF THE SECURITIES ADMINISTRATOR IS A FELONY.

Body Balance for Performance, L.L.C., by:
Survival Strategies, Inc., Manager

_____, signed this _____ day of _____, 1999.
(Signature)

(Print Name)

(Print Title)

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This Order entered by the Securities Division this _____ day of _____, 1999.

By:

Deborah R. Bortner
Securities Administrator

Approved for entry by:

Michael Stevenson
Chief of Compliance

Presented by:

Brad Ferber
Securities Examiner