

1
2
3
4
5
6
7
8

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

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

Concord Mailers Inc., its agents and employees,
Respondents.

SDO – 23 - 00

SUMMARY ORDER TO CEASE AND DESIST

Case No. 00-01-008

9 THE STATE OF WASHINGTON TO: Concord Mailers, Inc.
10 P.O. Box 600750
11 North Miami Beach, FL 33160-0750

12
13
14
15
16
17
18

STATEMENT OF CHARGES

Please take notice that the Securities Administrator of the State of Washington has reason to believe that Respondents, Concord Mailers Inc., its agents and employees, have violated the Business Opportunity Fraud Act of Washington and that their violations justify the entry of an order of the Securities Administrator under RCW 19.110.150 to cease and desist from such violations. The Securities Administrator finds that delay in ordering the Respondents to cease and desist from such violations would be hazardous to the investors and to the public and that a Summary Order to Cease and Desist should be entered immediately. The Securities Administrator finds as follows:

19
20
21
22
23

TENTATIVE FINDINGS OF FACT

I.

Concord Mailers Inc. maintains a business addresses at P.O. Box 600750, North Miami Beach, FL. Concord Mailers Inc. is the seller of an opportunity involving payment for in-home mail processing.

24 SUMMARY ORDER TO CEASE AND DESIST

1

25 Concord Mailers Inc.

26
27

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

II.

In September of 1999, Respondent Concord Mailers Inc. mailed or caused to be mailed a promotional flyer concerning its' home mail processing opportunity to at least one resident of the state of Washington. The flyer stated, in part:

HOME WORKERS WANTED!! EARN UP TO \$3,500 AND MORE WEEEKLY
Stuffing And Mailing Our Catalogs From Home
Get Paid \$7.00 per catalog stuffed and mailed

The flyer provided that offerees were required to send to Respondent a registration fee of \$39.00. The flyer also provided the following:

We're going to require a **REFUNDABLE FEE** of \$39.00 this will be returned to after you receive your third payment check

No other disclosure document containing material information regarding the mail processing opportunity and Concord Mailers Inc. accompanied or was referenced in the flyer, including, but not limited to, a current financial statement of the seller.

III.

Concord Mailers Inc. is not currently registered to sell its business opportunities in the state of Washington and has not previously been so registered. It is in the public interest that the offer and/or sale of the above-described mail processing opportunity in violation of the Washington Business Opportunity Fraud Act cease.

IV.

The Securities Administrator finds that further sales of unregistered business opportunities in the manner described above presents a threat to the investing public.

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

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

CONCLUSIONS OF LAW

I.

The offer and/or sale of the mail processing opportunity as described above constitutes the offer and/or sale of a business opportunity as defined in RCW 19.110.020(1).

II.

The offer and/or sale of said mail processing opportunity is in violation of RCW 19.110.050(1) because no business opportunity registration was made nor a permit issued to Respondent by the Securities Administrator, prior to the advertising, soliciting, or making of any offer and/or sale of the business opportunity in this state.

III.

The offer and/or sale of said business opportunity was made in violation of RCW 19.110.070 and RCW 19.110.120, the disclosure document and antifraud provisions of the Business Opportunity Fraud Act, respectively, because Respondents failed to provide prospective purchasers a complete disclosure document containing complete material information regarding the mail processing opportunity, including but not limited to a financial statement of the seller.

IV.

The Securities Administrator finds that an emergency exists, that the continued violations of RCW 19.110.050(1), RCW 19.110.070 and RCW 19.110.120 constitute a threat to the investing public, and that a summary order to cease and desist from those violations are in the public interest and necessary for the protection of the investing public.

SUMMARY ORDER

Based on the foregoing,

IT IS THEREFORE HEREBY SUMMARILY ORDERED That Concord Mailers Inc., and its agents and employees, each cease and desist from offering and/or selling business opportunities in any manner in violation of RCW 19.110.050 (1), the section of the Business Opportunity Fraud Act requiring registration.

It is further SUMMARILY ORDERED that respondents, Concord Mailers Inc., and its agents and employees each cease and desist from violation of RCW 19.110.170 and RCW 19.110.120, the disclosure document and antifraud provisions, of the Business Opportunity Fraud Act, respectively.

AUTHORITY AND PROCEDURE

This Order is entered pursuant to the provisions of RCW 19.110.150, and is subject to the provisions of Chapter 34.05 RCW. The Respondents may each make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this order. A request for a hearing should be in writing and sent to Deborah R. Bortner, Securities Administrator, Department of Financial Institutions, P.O. Box 9033, Olympia, Washington 98507-9033 to the attention of Chad Standifer.

If a respondent does not request a hearing, the Securities Administrator intends to adopt the above Tentative Findings of Fact and Conclusions of Law as final and make the summary order to cease and desist permanent as to that respondent.

WILLFUL VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.

DATED this _____ day of February, 2000.

DEBORAH R. BORTNER
Securities Administrator

Approved By:

Presented by:

Michael E. Stevenson
Chief of Compliance

Chad Standifer
Securities Examiner

SUMMARY ORDER TO CEASE AND DESIST
Concord Mailers Inc.

5

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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

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

Concord Mailers Inc., its' employees and agents,

Respondents.

SDO - 23B - 00

NOTICE OF OPPORTUNITY TO DEFEND AND
OPPORTUNITY FOR HEARING

Case No. 00-01-008

THE STATE OF WASHINGTON TO: Concord Mailers Inc.

YOU ARE HEREBY NOTIFIED that a SUMMARY ORDER TO CEASE AND DESIST ("the Order"), a true and correct copy of which is attached and made part hereof, has been entered against you by the Washington State Department of Financial Institutions, Securities Division.

YOU ARE HEREBY NOTIFIED that you may file an application for an adjudicative hearing before an administrative law judge as Presiding Officer, upon the allegations supporting and ground for the agency action as set forth in the Order. YOUR APPLICATION MUST BE RECEIVED BY THE SECURITIES DIVISION WITHIN TWENTY (20) DAYS FROM THE DATE THAT YOU RECEIVE THIS NOTICE. If you demand a hearing, you will be notified of the date, time, and hearing location will be mailed to you at least seven (7) days in advance.

At the hearing, you may appear personally, and by counsel, if you desire. The hearing will be recorded and will be conducted according to the Administrative Procedure Act, Ch. 34.05 RCW. The primary concern of the Administrative Law Judge, and, ultimately, the Director of the Department of Financial Institutions, will be to determine the truth of the matters asserted in the Order. Technical rules of evidence will not be binding at the hearing except for the rules of privilege recognized by law. You have the right to present evidence and witnesses in your own behalf who will be subject to cross examination, to cross examine those witnesses presented in

NOTICE OF OPPORTUNITY TO DEFEND AND
OPPORTUNITY FOR HEARNG

1

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

Concord Mailers Inc.

1 support of the Order, to examine such documentary evidence as may be produced against you, and to conduct
2 discovery as is authorized in such proceedings. You may require the attendance of witnesses by subpoena,
3 pursuant to RCW 34.05.446. If you are limited English-speaking or hearing impaired, you have the right to have
4 an interpreter appointed at no cost to you, as discussed below.

5 INTERPRETER AVAILABILITY. If you or a witness for you is a person who, because of non-English-
6 speaking cultural background, cannot readily speak or understand the English language, or if you or a witness for
7 you is a person who, because of a hearing impairment or speech defect, cannot readily understand or communicate
8 in spoken language, including persons who are deaf, deaf and blind, or hard of hearing, AND YOU NEED AN
9 INTEPRETER, then a qualified interpreter will be appointed at not cost to you or to the witness. You may request
10 the appointment of a qualified interpreter by indicating your request on the attached Application for Adjudicative
11 Hearing form.

12 YOU ARE FURTHER NOTIFIED that if the Department of Financial Institutions does not RECEIVE the
13 Application for Adjudicative Hearing form within twenty (20) days from the date you receive this notice, this will
14 constitute a waiver of your right to a hearing in accordance with Ch. 34.05 RCW, and the director will find that
15 you do not contest the allegations of the Summary Order. Upon such a finding by the director, a final order will be
16 immediately entered disposing of this matter and ordering you to cease and desist as described in the Summary
17 Order. If you desire a hearing in this matter, please return the attached Application for Adjudicative Hearing to:

18 Washington State Department of Financial Institutions
19 Securities Division
20 Attn: Chad Standifer
21 P.O. Box 9033
22 Olympia, WA 98507-9033

23 DATED this _____ day of February, 2000.

24 _____
25 DEBORAH R. BORTNER
26 Securities Administrator

27 NOTICE OF OPPORTUNITY TO DEFEND AND
28 OPPORTUNITY FOR HEARNG

2

29 DEPARTMENT OF FINANCIAL INSTITUTIONS
30 Securities Division
31 PO Box 9033
32 Olympia, WA 98507-9033
33 360-902-8760

34 Concord Mailers Inc.

1
2
3
4
5
6
7
8

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

9
10
11
12

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

13
14
15
16

Concord Mailers Inc., its employees and agents,
Respondents.

SDO - 23C - 00

APPLICATION FOR ADJUDICATIVE
HEARING

Case No. 00-01-008

17
18
19
20

THE STATE OF WASHINGTON TO: Concord Mailers Inc.

21
22
23
24

If you wish to contest the Summary Order to Cease and Desist and have an adjudicative hearing, you must sign, date, and return this form within twenty (20) days of the date you received it, to:

25
26
27

Washington State Department of Financial Institutions
Securities Division
Attn: Chad Standifer
P.O. Box 9033
Olympia, WA 98507-9033

FAILURE TO RETURN THIS FORM SO THAT IT IS RECEIVED BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS WITHIN TWENTY (20) DAYS OF THE DATE YOU RECEIVED IT WILL CONSTITUTE A DEFAULT AND WILL RESULT IN THE LOSS OF YOUR RIGHT TO AN ADJUDICATIVE HEARING. In that case, the Director of the Department of Financial Institutions will immediately enter an appropriate order in disposition of the Summary Order.

APPLICATION FOR ADJUDICATIVE HEARING
Concord Mailers Inc.

1

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

INSTRUCTIONS: Check the box beside your desired response. Mail this document as set forth above.

I.

I request a hearing in this matter.

I do not request a hearing in this matter.

II.

I [WILL] [WILL NOT] be represented by an attorney. His/her name, address, and telephone number are:

III.

I [REQUEST] [DO NOT REQUEST] that a qualified interpreter be appointed at no cost to me to interpret for (myself) or (my witness(es)). My, or my witness's(es'), primary language is _____ (identify language). My, or my witness's(es'), hearing impaired status is _____ (identify hearing impaired status). I understand that a qualified interpreter will be appointed at no cost to me or to my witness(es).

IV.

You have the right: To demand an adjudicative hearing, to be represented by an attorney at your own expense; and to subpoena witnesses to the hearing or subpoena the production of books or documents, and to otherwise defend against the Summary Order.

WARNING: FAILURE TO COMPLETE AND MAIL THIS DOCUMENT SO THAT IT IS RECEIVED BY THE SECURITIES DIVISION WITHIN 20 DAYS AFTER YOUR RECEIPT OF THE SUMMARY ORDER WILL RESULT IN THE DISPOSITION OF THIS CASE AS AUTHORIZED BY RCW 34.05.440.

Dated this _____ day of February, 2000.

**** Sign ****

Address:
