

1 **STATE OF CALIFORNIA**  
 2 **BUSINESS, TRANSPORTATION AND HOUSING AGENCY**  
 3 **DEPARTMENT OF CORPORATIONS**

4 TO: **William Kish**  
 5 **No-Burn, Inc.**  
 6 1392 High Street  
 7 Wadsworth, Ohio 44281

8 **DESIST AND REFRAIN ORDER**

9 **(For violations of section 31110**  
 10 **of the Corporations Code)**

11 The California Corporations Commissioner finds that:

- 12 1. At all relevant times, No-Burn, Inc. (“No-Burn”) is and was a corporation with a principal  
 13 place of business at 1392 High Street, Wadsworth, Ohio 44281. The company maintains a website at  
 14 <http://www.noburn.com>. At all relevant times, William Kish was the President, Chief Financial  
 15 Officer and a control person of No-Burn, Inc.
- 16 2. Since at least 2003, No-Burn has offered and sold franchises, pursuant to “Dealer  
 17 Agreements,” to California residents. The franchises are for the right to market, sell and apply No-  
 18 Burn fire retardant products for fire prevention purposes to persons and communities within a  
 19 designated franchise region.
- 20 3. The “dealerships” offered and sold by No-Burn are franchises within the meaning of  
 21 California Corporations Code section 31005. The “dealership agreement” grants the “dealer” the  
 22 right to engage in the business of marketing, selling and applying No-Burn products pursuant to a  
 23 prescribed No-Burn marketing plan and system, including a world-wide distribution grid, sales  
 24 quotas, manuals, videos, training seminars, sales demonstrations, presentations and materials,  
 25 advertising, application equipment and procedures, and the right to exclusive sales territories. The  
 26 “dealership” is substantially associated with No-Burn’s commercial symbol or trademark “No-Burn”.  
 27 In addition, the “dealer” is required to pay No-Burn a franchise fee of up to approximately \$67,000  
 28 for the right to enter into the business.

1 4. No-Burn's offer and sale of franchises in California have not been registered under the  
2 Franchise Investment Law and are not exempted under Chapter 1, beginning with California  
3 Corporations Code section 31100, of that law.

4 By reason of the foregoing, No-Burn, Inc. and William Kish have engaged in the offer and  
5 sale of a franchise in this state that is subject to registration under the Franchise Investment Law  
6 without the offer first being registered, in violation of California Corporations Code section 31110.

7 Pursuant to California Corporations Code section 31402, No-Burn, Inc. and William Kish are  
8 hereby ordered to desist and refrain from the further offer or sale of No-Burn franchises unless and  
9 until the offers have been duly registered under the Franchise Investment Law, or exempt.

10 This Order is necessary, in the public interest, for the protection of investors and consistent  
11 with the purposes, policies and provisions of the Franchise Investment Law.

12 Dated: December 15, 2006

13 PRESTON DuFAUCHARD  
14 California Corporations Commissioner

15 By \_\_\_\_\_  
16 ALAN S. WEINGER  
17 Lead Corporations Counsel  
18 Enforcement Division  
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