

1 PRESTON DuFAUCHARD  
California Corporations Commissioner  
2 ALAN S. WEINGER  
Deputy Commissioner  
3 JOYCE TSAI (SBN 241908)  
Corporations Counsel  
4 CALIFORNIA DEPARTMENT OF CORPORATIONS  
1350 Front Street, Room 2034  
5 San Diego, California 92101  
Telephone: (619) 525-4043  
6 Attorneys for the Complainant

7  
8 BEFORE THE DEPARTMENT OF CORPORATIONS  
9 OF THE STATE OF CALIFORNIA

10 )  
11 )  
In the Matter of the Desist and Refrain Order )  
12 )  
against )  
13 ) **STIPULATION TO DESIST AND REFRAIN**  
**SWISSGUARD INTERNATIONAL and ) ORDER**  
**DARRELL AVISS )**  
14 )  
15 )  
16 )  
17 )  
18 )

19 IT IS HEREBY STIPULATED AND AGREED between SwissGuard International and  
20 Darrell Aviss (collectively, “Respondents”) and the California Corporations Commissioner  
21 (“Commissioner”) as follows:

22 WHEREAS, Respondents admit the jurisdiction of the California Department of Corporations  
23 over their persons and over the subject matter of this Stipulation;

24 WHEREAS, Respondents waive the right to any hearing, including that provided by  
25 California Corporations Code Sections 25532, subd. (d), and 25609. Further, Respondents waive any  
26 and all review by a court of law, including that provided by California Government Code section  
27 11523;

28 WHEREAS, all terms used, but not defined herein, shall have the meaning assigned to them

1 by the California Corporations Code;

2 WHEREAS, Respondents represent that no promises of any kind or nature whatsoever were  
3 made to induce Respondents to enter into this Stipulation, and that this Stipulation is a voluntary act  
4 on the part of Respondents;

5 WHEREAS, Respondents, without admitting or denying any of the findings contained within  
6 the Desist and Refrain Order (“Order”), in the form attached hereto as Exhibit A, hereby agree and  
7 stipulate to the Order;

8 WHEREAS, Respondents agree and acknowledge that nothing in this Stipulation shall  
9 preclude the Commissioner or his agents, officers, or employees, to the extent authorized by law,  
10 from referring any evidence or information regarding this matter to any other state or federal law  
11 enforcement official, or from assisting, cooperating, or co-prosecuting with regards to any  
12 investigation and/or action;

13 WHEREAS, Respondents SwissGuard International and Darrell Aviss stipulate and agree to  
14 the finality of the Order. Respondents further understand and agree that the Order remains in effect  
15 and is public, and that Respondents shall no make any statement or representation that is inconsistent  
16 with this Stipulation or the Order. Respondents further understand and agree that this Stipulation  
17 does not prevent the Commissioner from taking future action in regards to this matter.

18 This Stipulation may be executed in one or more counterparts, each of which shall be an  
19 original but all of which, together, shall be deemed to constitute a single document. A fax signature  
20 shall be deemed the same as an original signature.

21 PRESTON DuFAUCHARD,  
22 California Corporations Commissioner

23 Dated: 1/19/10 By \_\_\_\_\_  
24 Alan S. Weinger  
25 Deputy Commissioner

26 SWISSGUARD INTERNATIONAL and  
27 DARRELL AVISS

28 Dated: 1/12/10 By \_\_\_\_\_  
Darrell Aviss

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  
28

**STATE OF CALIFORNIA**  
**BUSINESS TRANSPORTATION AND HOUSING AGENCY**  
**DEPARTMENT OF CORPORATIONS**

TO: Darrell Aviss  
112 El Paseo  
Santa Barbara, CA 93101

SwissGuard International  
Bahnhofstrasse 52  
CH-8001  
Zurich, Switzerland  
www.swiss-annuity.com

**DESIST AND REFRAIN ORDER**  
**(For violations of section 25230 of the Corporations Code)**

The California Corporations Commissioner finds that:

1. SwissGuard International ("SwissGuard"), a Swiss private limited company, maintains its principal place of business at Bahnhofstrasse 52, CH-8001, Zurich, Switzerland. SwissGuard maintains a website at www.swiss-annuity.com.
2. At all relevant times, Darrell Aviss ("Aviss") was a managing director and control person of SwissGuard.
3. At all relevant times, Aviss resided in California and maintained a place of business at 112 El Paseo, Santa Barbara, CA 93101.
4. In 2007 through 2009, SwissGuard entered into "Consulting Agreements" with several clients, including clients in California. The Consulting Agreement provides that the client will pay a fee of 1% of his or her "investable assets," up to a maximum of \$10,000.00. In exchange, the client receives a "Wealth Protection Report" from SwissGuard, which is a written proposal regarding asset and wealth protection strategies. The agreement provides: "The Services furnished by the Consultant include education, research, and expertise with respect to Asset Protection, Risk Management, and Estate Planning practices along with the recommendation of products and services of other unrelated companies and/or individuals for said products and services."

1           5.       Certain of SwissGuard's clients have signed a document appointing SwissGuard as  
2 their "representative in any and all Swiss annuity related matters that I may wish to transact now or in  
3 the future."

4           6.       SwissGuard's control person, Aviss, did not have a valid investment adviser certificate  
5 issued by the California Department of Corporations or the Securities and Exchange Commission  
6 ("SEC").

7           Based on the foregoing findings, the California Corporations Commissioner is of the opinion  
8 that SwissGuard International and Darrell Aviss have conducted business as an investment adviser in  
9 this state without first applying for and securing from the commissioner a certificate, then in effect,  
10 authorizing them to do so, in violation of section 25230 of the California Corporate Securities Law  
11 ("CSL").

12           SwissGuard International and Darrell Aviss are hereby ordered to desist and refrain from  
13 acting as an investment adviser in the State of California unless and until they have first applied for  
14 and secured from the Commissioner a certificate, then in effect, authorizing them to act as an  
15 investment adviser, or unless exempt.

16           This Order is necessary, in the public interest, for the protection of investors and consistent  
17 with the purposes, policies, and provisions of the CSL.

18  
19 Dated: January 19, 2010  
20       Los Angeles, California

21                                       PRESTON DuFAUCHARD  
22                                       Commissioner of Corporations

23  
24                                       By \_\_\_\_\_  
25                                       ALAN S. WEINGER  
26                                       Deputy Commissioner  
27                                       Enforcement Division  
28