

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: Steven Everhart, President
The Senior’s Choice, Inc.
34700 Coast Highway, Suite 307
Capistrano Beach, California 92624

DESIST AND REFRAIN ORDER
(For violations of section 31110 of the Corporations Code)

The California Corporations Commissioner finds that:

1. The Senior’s Choice, Inc. is currently a Nevada corporation with its principal place of business at 34700 Coast Highway, Suite 307, Capistrano Beach, California 92624. Previously, The Senior’s Choice, Inc. was a California corporation conducting business at the same address. The Senior’s Choice, Inc. maintains a website at www.theseniorschoice.com.
2. Steven Everhart is the President of The Senior’s Choice, Inc.
3. Steven Everhart and The Senior’s Choice, Inc. are engaged in the offer and sale of business opportunities, which they call “memberships”, to provide in-home companion care to senior citizens. The Membership Agreement entitles persons to operate, under their own name, a “The Senior’s Choice” business using The Senior’s Choice system. Members receive a copy of The Senior’s Choice Training & Operations manual containing suggested standards and operating procedures and marketing systems for “The Senior’s Choice” business. The Senior’s Choice Inc. provides initial and supplemental training as well as ongoing assistance to its members.
4. Upon consent of The Senior’s Choice, Inc., members are granted the right to use “The Senior’s Choice” service mark and related logos, trademarks, service marks, trade names, and other commercial symbols in connection with their business.
5. Members are required to pay an initial membership fee of \$12,900 to obtain a five-year membership. Members pay an additional monthly membership fee of \$500 during the first twelve months of the term, and \$250 monthly membership fee during the remainder of the term.

1 6. The “memberships” offered and sold by Steven Everhart and The Senior’s Choice, Inc.
2 constitute franchises as defined by Corporations Code section 31005.

3 7. These franchises were offered or sold in this state.

4 8. The Department of Corporations has not issued a registration to Steven Everhart or The
5 Senior’s Choice, Inc. for the offer or sale of “The Senior’s Choice” franchises in this state.

6 Based upon the foregoing findings, the California Corporations Commissioner is of the
7 opinion that Steven Everhart and The Senior’s Choice, Inc., have offered and sold franchises in
8 California that are subject to registration under the Franchise Investment Law, in violation of
9 Corporations Code section 31110. Pursuant to section 31402 of the Corporations Code, Steven
10 Everhart and The Senior’s Choice, Inc., are hereby ordered to desist and refrain from the further offer
11 or sale of “The Senior’s Choice” franchises unless and until the offers have been duly registered
12 under the Franchise Investment Law or unless exempt.

13 This Order is necessary, in the public interest, for the protection of franchisees and consistent
14 with the purposes, policies, and provisions of the Franchise Investment Law.

15 Dated: November 30, 2006
16 Los Angeles, California

17 PRESTON DuFAUCHARD
18 California Corporations Commissioner

19 By _____
20 ALAN S. WEINGER
21 Lead Corporations Counsel
22 Enforcement Division

23
24
25
26
27
28