

1 PRESTON DuFAUCHARD
California Corporations Commissioner
2 ALAN S. WEINGER (CA BAR NO. 86717)
Deputy Commissioner
3 MICHELLE LIPTON (CA BAR NO. 178078)
Senior Corporations Counsel
4 Department of Corporations
320 West 4th Street, Suite 750
5 Los Angeles, CA 90013
Telephone: (213) 576-7591 Fax: (213) 576-7181
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7 BEFORE THE DEPARTMENT OF CORPORATIONS
8 OF THE STATE OF CALIFORNIA
9

10 In the Matter of THE CALIFORNIA) FILE NO. ALPHA
11 CORPORATIONS COMMISSIONER,)
12 Complainant,) OAH Case NO.:
13 vs.) STIPULATION TO DESIST AND REFRAIN
14 KYLE HARA,) ORDER THAT KYLE HARA DESIST AND
15 Respondent.) REFRAIN FROM ENGAGING IN
16) UNLICENSED INVESTMENT ADVISER
17) ACTIVITY IN VIOLATION OF
18) CORPORATIONS CODE SECTION 25230
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22)
23)

24 IT IS HEREBY STIPULATED BY AND BETWEEN RESPONDENT KYLE
25 (“RESPONDENT”), AND PRESTON DuFAUCHARD, THE CALIFORNIA CORPORATIONS
26 COMMISSIONER (COMMISSIONER), AS FOLLOWS:

27 WHEREAS, on June 9, 2009, the COMMISSIONER issued a Desist and Refrain Order
28 against RESPONDENT for: 1) engaging in unlicensed investment adviser activity that was in the

1 opinion of the COMMISSIONER in violation of Corporations Code section 25230. Attached hereto
2 as **Exhibit A** and incorporated by reference is a true and correct copy of the Desist and Refrain
3 Order dated June 9, 2009 (“ORDER”).

4 WHEREAS, Respondent, without admitting or denying such charges, seeks to resolve the
5 concerns of the COMMISSIONER by entering into this Stipulation regarding the ORDER.

6 NOW, THEREFORE, the parties hereby stipulate and agree as follows:

7 1. Respondent hereby acknowledges that the COMMISSIONER is ready, willing and
8 able to grant a hearing in relation to the ORDER, which Respondent has a right to. Respondent
9 hereby voluntarily waives his right to a hearing in relation to the ORDER for violations of
10 Corporations Code section 25230, for engaging in unlicensed investment adviser activity;

11 2. Respondent acknowledges that pursuant to Corporations Code section 25255,
12 remedies for future violations of the California Corporate Securities Law of 1968 (“CSL”)
13 (Corporations Code section 25000, et seq.) are not exclusive and may be sought and employed in
14 any combination to enforce that law. Therefore, it is further stipulated that this agreement does not
15 preclude the COMMISSIONER from seeking additional remedies against Respondent for future
16 violations of the ORDER or any law under the COMMISSIONER’S jurisdiction not related to this
17 investigation. These remedies include, but are not limited to, administrative actions, civil injunctive
18 and ancillary relief and making a criminal referral pursuant to California law;

19 3. Respondent acknowledges that nothing in this Stipulation shall preclude the
20 COMMISSIONER, or his agents or employees, to the extent authorized by law, from assisting or
21 cooperating in any investigation and/or action brought by any other federal, state or county agency.
22 Respondent further agrees that this Stipulation shall not bind or otherwise prevent any other federal,
23 state or county agency from the performance of its duties;

24 4. Respondent enters into this Stipulation voluntarily and without coercion and
25 acknowledges that no promises, threats or assurances have been made by the COMMISSIONER or
26 any officer, or agent thereof, about this Stipulation; and
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1 5. Respondent and the COMMISSIONER agree that this Stipulation may be executed in
2 one or more separate counterparts, each of which when so executed, shall be deemed an original.
3 Such counterparts shall together constitute and be one and the same instrument.

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5 Dated: 06/15/09

PRESTON DUFAUCHARD
California Corporations Commissioner

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7 By _____
8 ALAN S. WEINGER
9 Deputy Commissioner

10 Dated:

11 By _____
12 KYLE HARA, an individual

13 APPROVED AS TO FORM AND CONTENT:

14 By _____
15 Bruce M. Kaufman, Esq.
16 Attorney for RESPONDENT

17 Dated:
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