

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: Kevin J. Kyes**  
**22627 Mt. Eden Road**  
**Saratoga, CA 95070**

**DESIST AND REFRAIN ORDER**

**(For violations of sections 25210 of the Corporations Code)**

The California Corporations Commissioner finds that:

1. Kevin J. Kyes possessing no certificate as a broker-dealer or agent offered and sold to residents of California securities in the form of viaticals issued by The Alpha Capital Group, LLC.
2. Kevin J. Kyes offered and sold securities in the form of viaticals issued by The Alpha Capital Group, LLC to California residents on October 11, 1998, and October 16, 1998.

Based upon the foregoing findings, the California Corporations Commissioner is of the opinion that Kevin J. Kyes has effected transactions in securities as a broker-dealer without first having applied for and secured from the Commissioner a certificate, then in effect, authorizing him to act in that capacity, in violation of section 25210 of the Corporate Securities Law of 1968. Pursuant to Section 25532 of the Corporate Securities Law of 1968, Kevin J. Kyes is hereby ordered to **DESIST and REFRAIN** from effecting any transaction in, or inducing or attempting to induce the purchase or sale of, any security in this state, unless and until he has applied for and secured from the Commissioner a certificate, then in effect, authorizing him to act in that capacity.

///  
///  
///

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

This Order is necessary, in the public interest, for the protection of investors and consistent with the purposes, policies, and provisions of the Corporate Securities Law of 1968.

Dated: December 24, 2002  
Sacramento, California

DEMETRIOS A. BOUTRIS  
California Corporations Commissioner

By \_\_\_\_\_  
VIRGINIA JO DUNLAP  
Supervising Counsel  
Enforcement and Legal Services