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

TO: Anthony Magee a.k.a. Tony Magee
Money Never Sleep
12685 Camino Mira Del Mar, Unit 160
San Diego, CA 92130

DESIST AND REFRAIN ORDER

(For violations of sections 29535 and 29536 of the Corporations Code)

The California Corporations Commissioner finds that:

1. At all relevant times, Anthony Magee, a.k.a. Tony Magee (“Magee”), is and was the control person of Money Never Sleep, an entity of unknown form. Money Never Sleep’s last known business address is 12685 Camino Mira Del Mar, Unit 160, San Diego, CA 92130.
2. Beginning in or about March 2007, Magee and Money Never Sleep solicited California residents to invest with Money Never Sleep for the purpose of foreign currency trading, whereby Magee and Money Never Sleep offered to purchase or sell foreign currencies through Global FOREX Trading, a Michigan corporation.
3. The foreign currencies purchased or sold, or offered to be purchased or sold are commodities within the meaning of section 29504 of the California Commodity Law of 1990.
4. At all relevant times, Magee and Money Never Sleep offered to purchase or to sell commodities under a commodities contract within the meaning of section 29505 of the California Commodity Law of 1990.

1 5. The offers to purchase or to sell commodities under a commodities contract took place in the
2 State of California.

3
4 6. At all relevant times, Magee and Money Never Sleep were not registered or licensed to engage
5 in the trade or business of or otherwise act as a commodity merchant. Further, Magee and Money
6 Never Sleep were not exempt from the registration requirements for a commodity merchant.

7
8 7. In connection with these offers and sales, Magee and Money Never Sleep willfully
9 misrepresented to investors that:

10 a. Investors would receive a minimum return of \$2,000 per month as a result of
11 foreign currency trading. In fact, investors never received a return on their investment.

12 b. Investors could readily access their foreign currency accounts and their funds could be
13 liquidated immediately. In fact, investors were unable to access their accounts and investors were
14 unable to have funds liquidated.

15 c. Investor money would be used for foreign currency trading. In fact, Magee and Money
16 Never Sleep transferred investor funds into a real estate investment project without investor
17 authorization.

18
19 Based upon the foregoing findings, the California Corporations Commissioner is of the opinion
20 that Anthony Magee, a.k.a. Tony Magee and Money Never Sleep engaged in a trade or business or
21 otherwise acted as a commodity merchant without being registered, licensed or exempt in violation of
22 section 29535 of the California Commodity Law of 1990 (California Corporations Code section 29500
23 et seq.) Pursuant to section 29542 of the California Commodity Law of 1990, Anthony Magee, a.k.a.
24 Tony Magee and Money Never Sleep are hereby ordered to desist and refrain from purchasing or
25 selling, offering to sell or to purchase, offering to enter into, or entering into a commodity, commodity
26 contract or commodity option in the State of California, including but not limited to trading in foreign
27 currency, unless registered or licensed as a commodity merchant with the Commodity Futures Trading
28 Commission, unless exempt.

1 Further, the California Corporations Commissioner is of the opinion that Anthony Magee,
2 a.k.a. Tony Magee and Money Never Sleep willfully made untrue statements of material fact and
3 omitted to state material facts necessary in order to make the statements made, in light of the
4 circumstances under which they were made, not misleading in violation of section 29536 of the
5 California Commodity Law of 1990. Pursuant to section 29542 of the California Commodity Law of
6 1990, Anthony Magee a.k.a. Tony Magee and Money Never Sleep are hereby ordered to desist and
7 refrain from purchasing or selling, offering to sell or to purchase, offering to enter into, or entering into
8 a commodity, commodity contract or commodity option in the State of California, including but not
9 limited to trading in foreign currency, by making any untrue statement of a material fact, or omitting to
10 state a material fact necessary in order to make statements made, in light of the circumstances under
11 which they were made, not misleading.

12
13 This Order is necessary, in the public interest, for the protection of investors and consistent
14 with the purposes, policies, and provisions of the California Commodity Law of 1990.

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16 Dated: March 20, 2008
17 Los Angeles, California

18 PRESTON DuFAUCHARD
19 California Corporations Commissioner

20
21 By: _____
22 ALAN S. WEINGER
23 Lead Corporations Counsel
24 Enforcement Division
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