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

TO: Richard V. Pohlmann (aka Richard V. Pohlman, aka Richard C. Pohlmann)  
1950 16<sup>th</sup> Street, Apt. M310  
Newport Beach, CA 92663

1503 Cornwall Lane  
Newport Beach, CA 92660

1609 Anita Lane  
Newport Beach, CA 92660

**DESIST AND REFRAIN ORDER**

**(For violations of sections 25110, 25210, 25230 and 25401 of the Corporations Code)**

The California Corporations Commissioner finds that:

1. Beginning in or about October 2000, Richard V. Pohlmann, also known as Richard V. Pohlman and Richard C. Pohlmann (hereinafter, "Richard Pohlmann") offered or sold securities in the State of California in the form of units in a "real estate trust" purportedly with First Allied Securities, Inc.
2. Beginning in or about October 2000 and continuing thereafter until October 2003, Richard Pohlmann offered or sold units in the "real estate trust" in the total amount of \$10,900 to at least one investor.
3. The Department of Corporations has not issued a permit or other form of qualification authorizing any person to offer and sell these securities in this state.

1 4. Richard Pohlmann did not have a valid broker-dealer certificate issued by the Department of  
2 Corporations or the U.S. Securities and Exchange Commission (SEC) at any time since at least April  
3 2001.

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5 5. Beginning in or about February 1999, Richard Pohlmann provided discretionary investment  
6 advice to at least one individual in the state of California.

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8 6. Richard Pohlmann received compensation for the investment advisory services he provided to  
9 one or more investors.

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11 7. Richard Pohlmann did not have a valid investment adviser certificate issued by the  
12 Department of Corporations or the SEC at any time.

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14 8. As a result of the investment advice of Richard Pohlmann, at least one individual invested  
15 approximately \$10,900 in units in a “real estate trust” purportedly with First Allied Securities, Inc.

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17 9. In connection with these offers and sales, Richard Pohlmann represented to at least one  
18 investor that:

19 a. Richard Pohlmann was an “investment representative” associated with First Allied  
20 Securities, Inc.

21 b. The funds were held in a “real estate trust” through First Allied Securities, Inc.

22 c. Returns of 12 percent would be paid to the investor in the “real estate trust.”

23 d. Richard Pohlmann would provide account statements to the investor upon request.

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25 10. In connection with these offers and sales, Richard Pohlmann omitted to disclose to at least  
26 one investor that:

27 a. Richard Pohlmann was not and never has been associated with First Allied Securities,  
28 Inc.

1           b.       First Allied Securities, Inc., has never had an account of any kind in the name of the  
2 investor at any time.

3           c.       Richard Pohlmann has not been licensed as a broker-dealer or an agent of a broker-  
4 dealer since at least April 2001.

5           d.       Richard Pohlmann failed to provide account statements to the investor upon request.

6           e.       Richard Pohlmann failed to provide a prospectus or other offering documents to the  
7 investor at any time.

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9           Based upon the foregoing findings, the California Corporations Commissioner is of the  
10 opinion that the units in the purported real estate trust are securities subject to qualification under the  
11 California Corporate Securities Law of 1968 and are being or have been offered or sold without being  
12 qualified in violation of Corporations Code section 25110. Pursuant to section 25532 of the  
13 Corporate Securities Law of 1968, Richard Pohlmann is hereby ordered to desist and refrain from the  
14 further offer or sale in the State of California of securities, unless and until qualification has been  
15 made under the law.

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17           In addition, based upon the foregoing, the California Corporations Commissioner is of the  
18 opinion that Richard Pohlmann has effected transactions in securities as a broker-dealer without  
19 having first applied for and secured from the Commissioner a certificate authorizing him to act in that  
20 capacity, in violation of section 25210 of the Corporate Securities Law of 1968. Pursuant to section  
21 25532 of the Corporate Securities Law of 1968, Richard Pohlmann is hereby ordered to desist and  
22 refrain from effecting any transaction in, or inducing or attempting to induce the purchase or sale of,  
23 any security in this state, unless and until he has applied for and secured from the Commissioner a  
24 certificate, then in effect, authorizing him to act in that capacity.

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26           Also, based upon the foregoing findings, the California Corporations Commissioner is of the  
27 opinion that Richard Pohlmann has conducted business as an investment adviser in this state without  
28 first applying for and securing from the commissioner a certificate authorizing him to do so, in

1 violation of section 25230 of the Corporate Securities Law of 1968. Pursuant to section 25532 of the  
2 Corporate Securities Law of 1968, Richard Pohlmann is hereby ordered to desist and refrain from  
3 acting as an investment adviser in the State of California unless and until he has first applied for and  
4 secured from the Commissioner a certificate, then in effect, authorizing him to act as an investment  
5 adviser.

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7 Further, the California Corporations Commissioner is of the opinion that the securities  
8 representing units in a purported real estate trust were offered or sold in this state by means of written  
9 or oral communications which included an untrue statement of a material fact or omitted to state a  
10 material fact necessary in order to make the statements made, in the light of the circumstances under  
11 which they were made, not misleading, in violation of section 25401 of the Corporate Securities Law  
12 of 1968. Pursuant to section 25532 of the Corporate Securities Law of 1968, Richard Pohlmann is  
13 hereby ordered to desist and refrain from offering or selling or buying or offering to buy any security  
14 in the State of California by means of any written or oral communication which includes an untrue  
15 statement of a material fact or omits to state a material fact necessary in order to make the statements  
16 made, in the light of the circumstances under which they were made, not misleading.

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

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21 Dated: October 20, 2004

22 Sacramento, California

23 WILLIAM P. WOOD  
24 California Corporations Commissioner

25 By: \_\_\_\_\_  
26 VIRGINIA JO DUNLAP  
27 Deputy Commissioner  
28 Enforcement and Legal Services Division