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

TO: Robert Mark Seibert, a.k.a. Bob Kelly
RMS and Associates, a.k.a. RMS Trading Group
24843 Del Prado, Suite #265
Dana Point, CA 92629

DESIST AND REFRAIN ORDER

(For violations of section 25401 of the Corporations Code)

The California Corporations Commissioner finds that:

1. At all relevant times herein, RMS and Associates, a.k.a. RMS Trading Group (“RMS”), was located at 24843 Del Prado, Suite #265, Dana Point, California 92629.
2. At all relevant times herein, Robert Mark Seibert, a.k.a. Bob Kelly (“Seibert”) was Vice President of RMS.
3. Beginning in around October 2005 and continuing through at least August 2006, RMS and Seibert offered and sold securities in investment contracts in the form of capital input in RMS to at least one investor totaling \$25,000.
4. The investor received a one-page document for each investment made indicating the amount invested and the amount of the expected investment return. For example, one letter showed an investment of \$5000, with an expected monthly dividend between \$400 and \$600 payable monthly after the first 60 days. After six months the investor could request their initial capital back. The letter is on RMS letterhead and signed by Seibert as Bob Kelly, Vice President.
5. In connection with the offer and sale of these securities, Seibert and RMS made, or caused to be made, misrepresentations of material fact or omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading. These misrepresentations and omissions included, but are not limited to the following:
 - a. Investors were not told that Seibert was using investor money for his own personal use;

- 1 b. Investors were not told that Seibert had a past conviction for securities fraud in
- 2 2002; and
- 3 c. Investors were not told that Seibert and RMS were engaging in unlicensed
- 4 activity.

5 The California Corporations Commissioner is of the opinion that the securities offered and
6 sold by Seibert and RMS were offered and sold in this state by means of written or oral
7 communications that included untrue statements of material fact or omitted to state material facts
8 necessary in order to make the statements made, in the light of the circumstances under which they
9 were made, not misleading, in violation of section 25401 of the Corporate Securities Law of 1968.

10 Pursuant to Section 25532 of the Corporate Securities Law of 1968, Robert Mark Seibert,
11 a.k.a. Bob Kelly and RMS and Associates, a.k.a. RMS Trading Group are hereby ordered to desist
12 and refrain from offering or selling or buying or offering to buy any security in the State of
13 California, including, but not limited to, investment contracts in the form of capital input in RMS by
14 means of any written or oral communication which includes an untrue statement of a material fact or
15 omits to state a material fact necessary in order to make the statements made, in the light of the
16 circumstances under which they were made, not misleading.

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

19 Dated: December 19, 2008
20 Los Angeles, California

21 PRESTON DuFAUCHARD
22 California Corporations Commissioner

23 By _____
24 ALAN S. WEINGER
25 Lead Corporations Counsel
26 Enforcement Division