

1 PRESTON DuFAUCHARD
California Corporations Commissioner
2 ALAN S. WEINGER
Acting Deputy Commissioner
3 AFSANEH EGHBALDARI (CA BAR NO. 250107)
Corporations Counsel
4 DEPARTMENT OF CORPORATIONS
1350 Front Street, Room 2034
5 San Diego, California 92101
Telephone: (619) 645-3166
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7 Attorneys for Complainant

8 BEFORE THE DEPARTMENT OF CORPORATIONS
9 OF THE STATE OF CALIFORNIA

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11 In the Matter of)
12 THE CALIFORNIA CORPORATIONS)
13 COMMISSIONER,)
14 Complainant,)
15 v.)
16 Peter Smyth individually and doing business)
17 under the name California Investments,)
18 Respondent.)
19)
20)

STIPULATION TO ORDER TO DESIST AND REFRAIN

21 IT IS HEREBY STIPULATED AND AGREED between Peter Smyth individually and doing
22 business under the name California Investments (hereafter "Respondent") and the California
23 Corporations Commissioner ("Commissioner"), as follows:

24 WHEREAS, Respondent admits the jurisdiction of the California Department of
25 Corporations over its person and over the subject matter of this Stipulation.

26 WHEREAS, Respondent waives the right to any hearing, including that provided by
27 California Corporations Code Sections 25532 subdivision (d) and 25609. Further Respondent
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1 waives any and all review by a court of law, including that provided by California Government Code
2 section 11523.

3 WHEREAS, all terms used, but not defined herein, shall have the meaning assigned to them
4 by the California Corporations Code.

5 WHEREAS, Respondent represents that no promises of any kind or nature whatsoever were
6 made to induce Respondent to enter into this Stipulation, and that this Stipulation is a voluntary act
7 on the part of Respondent.

8 WHEREAS, Respondent offered in this state securities in issuer transactions and the
9 Department of Corporations has not issued a permit authorizing any person to offer these securities.
10 Respondent claims that as a real estate broker he was exempt from qualification in connection with
11 the offer of these securities.

12 WHEREAS, Respondent stipulates to the issuance of the Desist and Refrain Order (“Order”),
13 in the form attached hereto as Exhibit A, directing Respondent to desist and refrain from the further
14 offer and sale of securities in this state by means of oral and written communications, which omitted
15 to state material facts.

16 WHEREAS, Respondent, without admitting or denying any of the findings contained within
17 the Order or this Stipulation, hereby agrees and stipulates to the Order.

18 WHEREAS, Respondent agrees and acknowledges that nothing in this Stipulation shall
19 preclude the Commissioner, his agents, officers, or employees, to the extent authorized by law, from
20 referring any evidence or information regarding this matter to any other state or federal law
21 enforcement official, or from assisting cooperating, or co-prosecuting with regards to any
22 investigation and/or action.

23 WHEREFORE, Respondent Peter Smyth individually and doing business under the name
24 California Investments stipulates and agrees to the finality of the Commissioner’s Order.
25 Respondent further understands and agrees that the Order remains in effect, is public and that
26 Respondent cannot deny the violations cited in the Commissioner’s Order or make any statement or
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representation that is inconsistent with this Stipulation or the Order. Respondent further understands and agrees this Stipulation does not prevent the Commissioner from taking future action in regard to this matter.

PRESTON DuFAUCHARD,
California Corporations Commissioner

Dated: _____

By _____
Alan S. Weinger
Acting Deputy Commissioner

Dated: _____

By _____
Peter Smyth, Individually and doing business under the name California Investments

Approved as to Form

Dated: _____

By _____
Michael J. Perry
Attorney for Respondent