

1 STATE OF CALIFORNIA  
2 BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY  
3 DEPARTMENT OF BUSINESS OVERSIGHT

4 TO: Pump Vitamin Sprays, LLC.  
5 James R. Burbage  
6 Kathleen Bailey

7 475 Washington Blvd.  
8 Marina del Rey, California 90292

9  
10 **DESIST AND REFRAIN ORDER**

11 **(For violations of sections 25110 and 25401 of the Corporations Code)**

12 The California Commissioner of Business Oversight finds that:

13 1. At all relevant times, Pump Vitamin Sprays, LLC., (Pump) was a Florida limited  
14 liability company doing business at 475 Washington Blvd. Marina del Rey, California 90292. At all  
15 relevant times, Pump used the telephone number (310) 595-0656 and email  
16 admin@pumpsprays.com.

17 2. At all relevant times, James R. Burbage (Burbage) was the chief operating officer of  
18 Pump, doing business in Southern California and using the email addresses  
19 jamesrburbage3@gmail.com and jb@growthlogisticsltd.com.

20 3. At all relevant times, Kathleen Bailey (Bailey) was the registered agent for service of  
21 process for Pump and chief medical officer of Pump, doing business at 475 Washington Blvd. Marina  
22 del Rey, California 90292 and using the email address kb@growthlogisticsltd.com.

23 4. Beginning in 2020, Pump, Burnage, and Bailey offered or sold securities in the form  
24 of promissory notes – investment contracts in California.

25 5. Pump, Burnage, and Bailey offered these securities for the purported purpose of  
26 creating, distributing and selling an oral spray designed to deliver a vitamin solution into the body.  
27 Pump represented that investors’ money would fund marketing, salaries, and inventory. Pump,  
28 Burnage, and Bailey guaranteed 8% interest per year for three years on a minimum investment of at  
least \$50,000.

1           6.       These securities were offered or sold in this state in issuer transactions. The  
2 Department of Business Oversight has not issued a permit or other form of qualification authorizing  
3 Pump, Burnage, or Bailey or any person to offer or sell the above described securities, in this state.

4           7.       In connection with the offer or sale of these securities in this state, Pump, Burbage and  
5 Bailey made the following untrue statements of material facts:

6           a.       Pump claimed its management team included Mr. Bob Levitan as senior vice president  
7 of marketing; Mr. Mitchell Cohen as vice president of operations; Mr. Peter Burns as chief executive  
8 officer; and Mr. KC Chohan as chief financial officer. However, Mr. Levitan, Mr. Cohen, Mr. Burns,  
9 and Mr. Chohan were not nor have ever been officers or executives for Pump. Although these  
10 individuals have impeccable credentials and experience, each cultivating a reputation of success in  
11 their respective industries, none of that experience includes or involves Pump.

12           b.       Pump used the photos and professional information of Mr. Levitan, Mr. Cohen, Mr.  
13 Burns, and Mr. Chohan, in promotional documents to offer and/or sell Pump securities. In using the  
14 photos and professional information, Pump represented to consumers that it had permission to do so,  
15 and that each businessperson was an executive or officer with Pump. In truth, Mr. Levitan, Mr.  
16 Cohen, Mr. Burns, and Mr. Chohan never gave Pump permission to use their photos and professional  
17 information and are not affiliated in any way with Pump.

18           c.       Pump also used the name, photo, image and likeness of actor Dwayne Johnson, also  
19 known as "The Rock," in promotional documents to offer and/or sell securities. In using the photos  
20 and professional information, Pump represented to consumers that it had permission to do so, and that  
21 Mr. Johnson was affiliated with Pump. In fact, Mr. Johnson has never granted Pump permission to  
22 use his name, photo, image and likeness for any purpose or manner. Mr. Johnson has never heard of  
23 Pump or Pump products and is not affiliated with them in any way.

24           8.       In connection with the offer or sale of these securities in this state, Pump, Burbage,  
25 and Bailey made the following omission of a material fact and/or failed to disclose that:

26           a.       The United States Commodity Futures Trading Commission issued a complaint  
27 against James R. Burbage on December 5, 2012 in Case No. 12-81311-CIV for violations of the  
28

1 Commodity Exchange Act, 7 U.S.C. §§ 1 et seq. (2012), and Commission Regulation 180.1(a), 17  
2 C.F.R. § 180.1(a) (2012); and

3       b.       The United States Commodity Futures Trading Commission entered into a consent  
4 order for permanent injunction, civil monetary penalty and other equitable relief against James R.  
5 Burbage for violations of the Commodity Exchange Act, 7 U.S.C. §§ 1 et seq. (2012), and  
6 Commission Regulation 180.1(a), 17 C.F.R. § 180.1(a) (2012) on February 5, 2014.

7       Based on the foregoing findings, the Commissioner of Business Oversight is of the opinion  
8 that the investment contracts offered or sold by Vitamin Pump Spray, LLC., James R. Burbage, and  
9 Kathleen Bailey are securities subject to qualification under the Corporate Securities Law of 1968  
10 and are being or have been offered or sold without first being qualified in violation of Corporations  
11 Code section 25110.

12       Pursuant to Corporations Code section 25532, Vitamin Pump Spray, LLC., James R. Burbage,  
13 and Kathleen Bailey are ordered to desist and refrain from the further offer and sale of securities in  
14 California, including but not limited to investment contracts, unless and until qualification has been  
15 made under the Corporate Securities Law of 1968, or unless exempt.

16       Further, based on the foregoing, the Commissioner of Business Oversight is of the opinion  
17 that the securities in the form of promissory note - investment contracts were offered in this state by  
18 Vitamin Pump Spray, LLC., James R. Burbage, and Kathleen Bailey by means of a written or oral  
19 communication which included an untrue statement of material fact or omitted to state a material fact  
20 necessary to make the statement made, in light of the circumstances under which they were made, not  
21 misleading, in violation of Corporations Code section 25401.

22       Pursuant to Corporations Code section 25532, Vitamin Pump Spray, LLC., James R. Burbage,  
23 and Kathleen Bailey are hereby ordered to desist and refrain from offering or selling or buying or  
24 offering to buy any security in California, including but not limited to investment contracts, by means  
25 of any written or oral communication which includes an untrue statement of material fact or omits to  
26 state a material fact necessary in order to make the statements made, in light of circumstances under  
27 which they were made, not misleading.

28       This Order is necessary, in the public interest, for the protection of investors and consistent

1 with the purposes, policies and provisions of the Corporate Securities Law of 1968.

2

3 Dated: April 17, 2020  
4 Sacramento, California

MANUEL P. ALVAREZ  
Commissioner of Business Oversight

5

6

By \_\_\_\_\_

7

MARY ANN SMITH  
Deputy Commissioner  
Enforcement Division

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28