

STATE OF ILLINOIS
SECRETARY OF STATE
SECURITIES DEPARTMENT

IN THE MATTER OF: DANIEL E. THOMASON AND
KIMMIE J. THOMASON

FILE NO. 0200539

CONSENT ORDER

TO THE RESPONDENT: Daniel E. Thomason
Kimmie J. Thomason
2408 N. Elmwood
Peoria, Ill 61604

WHEREAS, Daniel E. Thomason and Kimmie J. Thomason (the "Respondents" on August 20, 2003 executed a certain Stipulation To Entry Of Consent Order (the "Stipulation"), which hereby is incorporated by reference herein.

WHEREAS, by means of the Stipulation, the Respondents have admitted to the jurisdiction of the Secretary of State and service of the Notice of Hearing in this matter and the Respondents have consented to the entry of this Consent Order.

WHEREAS, the Secretary of State, by and through his designated representative, the Securities Director, has determined that the matter related to the aforesaid formal hearing may be dismissed without further proceeding.

WHEREAS, the Respondents have acknowledged that the allegations contained in paragraph seven (7) of the Stipulation shall be adopted as the Secretary of State's Findings of Fact as follows:

1. That Daniel E. Thomason and Kimmie J. Thomason are Illinois residents with a last known address of 2408 N. Elmwood Peoria, Ill. 61604;
2. That Kimmie J. Thomason, AKA Kimmie Joe Rusk, is the owner of a horse (mare) named IMA CUTTERS DREAM which is purported to be a registered mare;
3. That on or about early June 2000, Daniel E. Thomason using the alias J.D. Carter met with an Illinois

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resident, Tom Roepke, and offered an investment in which Roepke would pay \$6,000. In return Roepke would become half owner in the mare IMA CUTTERS DREAM. Daniel E. Thomason further represented that Roepke's investment would be used to pay stud fees and to purchase cattle. Daniel E. Thomason also provided a written document illustrating that if the resulting offspring from IMA CUTTERS DREAM were trained and sold, Roepke could earn, in a 20 year period by breeding and selling the offspring and cattle, \$90,000 to \$1.5 Million;

4. That on or about June 23, 2000, Thomas Roepke paid \$4,000 and received a receipt stating that he had paid \$6,000 (He was to pay the remaining balance later) and that he was half owner in IMA CUTTERS DREAM;
5. That Daniel E. Thomason and Kimmie J. Thomason have offered the above-described investment program to at least one other person;
6. That the above-described investment program is an investment contract and is a security as that term is defined pursuant to Section 2.1. of the Illinois Securities Law of 1953 [815 ILCS 5/1 et seq.] (the "Act");
7. That Section 5 of the Act provides, inter alia, that all securities except those exempt under Section 3 of the Act or those offered and sold in transactions exempt under Section 4 of the Act shall be registered with the Secretary of State prior to their offer or sale in the State of Illinois;
8. That Section 12.A of the Act provides, inter alia, that it shall be a violation of the Act for any person to offer or sell securities except in accordance with the provisions of the Act;
9. That at all times relevant hereto, Daniel E. Thomason and Kimmie J. Thomason failed to file an application for registration of the above-referenced securities with the Secretary of State prior to their offer or sale in the State of Illinois;
10. That Section 12.D of the Act provides, inter alia, that it shall be a violation of the Act for any person to fail to file with the Secretary of State any

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document or application required to be filed under the provision of the Act;

11. That section 8.A. of the Act states, inter alia, that, except as otherwise provided in subsection A, every salesperson shall be registered as such with the Secretary of State;
12. That Respondents, Daniel E. Thomason and Kimmie J. Thomason, are not registered in Illinois as salespersons during the relevant time period of the sale of a security in the State of Illinois;
13. That Section 12.C of the Act states, inter alia, that it shall be a violation of the Act for any person to act as a salesperson unless registered as such, where such registration is required; and
14. That Section 11.E(4) of the Act provides, inter alia, that if the Secretary of State, after finding that any provision of the Act has been violated, may impose a fine as provided by rule, regulation or order not to exceed \$10,000.00 for each violation of the Act.

WHEREAS, the Respondents have acknowledged that the allegations contained in paragraph eight (8) of the Stipulation shall be adopted as the Secretary of State's Conclusions of Law as follows:

1. That by virtue of the foregoing, the Respondents, Daniel E. Thomason and Kimmie J. Thomason, have violated Sections 12.A, 12.C, and 12.D of the Act; and
2. That by virtue of the foregoing, the Respondents, Daniel E. Thomason and Kimmie J. Thomason, are subject to a fine of up to \$10,000.00 per violation and an order which permanently prohibits the Respondent from offering or selling securities in the State of Illinois.

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NOW THEREFORE IT IS HEREBY ORDERED THAT:

1. The allegations contained in paragraphs seven (7) and eight (8) of the Stipulation shall be and are hereby adopted as the Secretary of State's Findings of Fact and Conclusions of Law;
2. The Respondents shall be permanently prohibited from offering and selling securities in the State of Illinois
3. Within thirty (30) days of the entry of the Consent Order, the Respondents shall pay an administrative fine in the amount of \$1,000. Said fine shall be paid by means of a certified or cashier's check made payable to the Secretary of State; and
4. The formal hearing scheduled on this matter is hereby dismissed without further proceeding.

ENTERED: This 21st day of August, 2003.


JESSE WHITE
Secretary of State

NOTICE: Failure to comply with the terms of this Order shall be a violation of Section 12.D of the Illinois Securities Law of 1953 [815 ILCS 5] (the "Act"). Any person or entity who fails to comply with the terms of this Order of the Secretary of State, having knowledge of the existence of this Order, shall be guilty of a Class 4 felony.

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