

**STATE OF ILLINOIS  
SECRETARY OF STATE  
SECURITIES DEPARTMENT**

\_\_\_\_\_  
IN THE MATTER OF: ZOOM TECHNOLOGIES its )  
Partners, Officers and Directors, agents, employees, )  
affiliates, successors and assigns. )  
\_\_\_\_\_ )

FILE NO.0100701

**SUMMARY ORDER  
TO CEASE AND DESIST**

TO THE RESPONDENT: Zoom Technologies  
5569-4 Bowden Road  
Jacksonville, Florida 32216

On information and belief, I, Jesse White, Secretary of State, for the State of Illinois, through my designated representative, having been fully advised in the premises by the staff of the Securities Department, Office of the Secretary of State, herein find:

1. That Zoom Technologies is a business entity maintaining its principal office at 5569-4 Bowden Road, Jacksonville, Florida 32216 ("Respondent").
2. That on or about November 22, 2000, Respondent mailed advertisements on the reverse side of a postcard to at least one resident within the State of Illinois.
3. That said advertisement (hereinafter the "Ad") read in part as follows: "Earn \$20,000.00 a month with Zoom Technologies. We handle the marketing. You process 2,500-5,000 NSF checks per month on your PC using our proprietary software..."
4. That one or more Illinois residents ("Resident") responded to the Ad by viewing the website zoomchecks@hotmail.com and then calling 888-875-1749 ext. 551, both listed on the postcard.
5. That Resident faxed the Zoom Technologies Purchase Agreement and Package, including credit card authorizations in the amount of \$1,950.00 for the one time licensing fee and monthly credit card charge in the amount of \$100 for cooperative advertising in USA Today and the Wall Street Journal, to its representative Richard Lewis at 615-985-0995. He also faxed the credit card authorization for the \$100.00 monthly credit card charge to 888-783-2445.
6. That under the license agreement ("License Agreement") Respondent would provide certain services to Resident, including training, proprietary FastCollect software, processing manual, reference materials for return codes and state

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permitted NSF fees, and the National Automated Clearing House Association's Compliance manual.

7. That Respondent offered and sold its License Agreement to a least one resident of the State of Illinois.
8. That Section 5-5.10(a)(6) of Business Opportunity Sales Law of 1995, [815 ILCS 602 et seq.] (the "Act") provides, inter alia, that a business opportunity is a contract or agreement, between a seller and purchaser, express or implied, orally or in writing, wherein it is agreed that the seller or a person recommended by the seller shall provide to the purchaser any product, equipment, supplies or services enabling the purchaser to start a business when the purchaser is required to make a payment to the seller or a person recommended by the seller of more than \$500 and the seller represents directly or indirectly, orally or in writing, that the seller or a person recommended by the seller will provide a marketing plan.
9. That the activities described in paragraphs 3, 5 & 6 constitute a marketing plan as that term is defined under Section 5-5.15 of the Act.
10. That the License Agreement, described in paragraphs 3, 5 & 6, constitutes a business opportunity as that term is defined in Section 5-5.10 of the Act.
11. That the activities described in paragraphs two and three, (2 and 3) constitute an offer as that term is defined under Section 5-5.20 of the Act, and a Sale as that term is defined under Section 5-5.40 of the Act.
12. That Section 5-25 of the Act provides, inter alia, that it is unlawful for any person to offer any business opportunity in this State unless the business opportunity is registered under the Act or is exempt under Section 5-10 of the Act.
13. That at all relevant times, Respondent, Zoom Technologies, their partners, officers and directors, agents, employees, affiliates, successors and assigns, failed to register the business opportunity described in paragraph eleven (11) as required pursuant to Section 5-25 of the Act.
14. That by virtue of the foregoing, the Respondent violated Section 5-25 of the Act.
15. That Section 5-60(2) of the Act provides, inter alia, that the Secretary of State may require any person to file a statement, under oath, as to all the facts and circumstances concerning a matter to be investigated.
16. That on October 22, 2001, pursuant to the authority granted in Section 5-60 of the Act, the Department sent a letter (the "5-60 Letter") to Respondent by certified mail, return receipt requested. The 5-60 Letter requested certain information, which the Department deemed necessary for its use to determine whether the

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Respondent had violated the Act in offering for sale its License Agreement without registration as a business opportunity, within ten (10) business days.

17. That the certified mail receipt was returned to the Department signed by addressee's agent on about November 26, 2001.
18. That as of this date Respondent has failed and refused to respond to the 5-60 Letter.
19. That Section 5-60(d) of the Act provides, inter alia, that it shall be a violation of the provisions of the Act for any person to fail to file with the Secretary of State any document required to be filed under the provisions of Section 5-60.
20. That, by virtue of the foregoing, paragraphs 16-18 the Respondent violated Section 5-60 of the Act.
21. That Section 5-65 of the Act provides, inter alia, that whenever it appears to the Secretary of State that any person has engaged in or is about to engage in any act or practice constituting a violation of any provision of this Law or any rule, regulation, or order under this Law, the Secretary of State may issue an order directing the person to CEASE and DESIST from continuing the act or practice.

NOW THEREFORE IT IS HEREBY ORDERED THAT: Pursuant to the authority granted by Section 5-65 of the Act, Respondent Zoom Technologies, their partners, officers and directors, employees, agents, affiliates, successors and assigns are ordered to CEASE and DESIST from offering or selling any business opportunity in the State of Illinois until the further order of the Secretary of State.

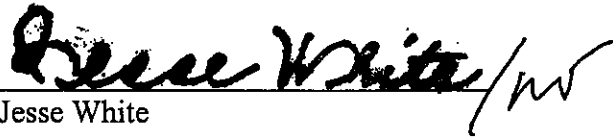
NOTICE is hereby given that the Respondents may request a hearing on this matter by transmitting a written request to the Securities Director, Illinois Securities Department, 17 North State Street, Suite 1266, Chicago, Illinois 60602. Such request must be made within thirty (30) days after entry of this Summary Order to Cease and Desist. Upon receipt of a request for a hearing, a hearing will be scheduled as soon as reasonably practicable. Request for hearing will not stop the effectiveness of this Summary Order to Cease and Desist.

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FAILURE BY ANY PERSON NAMED IN THIS ORDER TO REQUEST A HEARING WITHIN THIRTY (30) DAYS AFTER ENTRY OF THIS SUMMARY ORDER TO CEASE AND DESIST SHALL BE DEEMED TO CONSTITUTE A WAIVER OF ALL RIGHTS BY SUCH PERSON TO A HEARING AND THE ORDER TO CEASE AND DESIST AS TO SUCH PERSON WILL BECOME PERMANENT.

DATED: This 10<sup>th</sup> day of February, 2004

A handwritten signature in black ink that reads "Jesse White" followed by a stylized flourish or initials.

Jesse White  
Secretary of State  
State of Illinois

Attorney for the Secretary of State:

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