

STATE OF ILLINOIS
SECRETARY OF STATE
SECURITIES DEPARTMENT

IN THE MATTER OF: W. CRAIG AND COMPANY,)
AUCTIONS FOR INCOME,)
THEIR OFFICERS, DIRECTORS,)
EMPLOYEES, AGENTS, AFFILIATES,) File No. 0400136
SUCCESSORS AND ASSIGNS,)
ELIJAH RUBIN AND)
DAVE ESPINO)

ORDER TO CEASE AND DESIST

TO THE RESPONDENT: Elijah Rubin
W. Craig and Company
4040 E. McDowell Road #409
Phoenix, Arizona 85008

Dave Espino
Auctions for Income
5521 Schaefer Ave.
Chino, California 91710-9070

WHEREAS, a Summary Order to Cease and Desist was issued by the Secretary of State on August 27, 2004 ordering W. Craig and Company and Auctions for Income, their officers, directors, employees, agents, affiliates, successors and assigns, including Elijah Rubin and Dave Espino to cease and desist from offering and/or selling any business opportunity in the State of Illinois until further order of the Secretary of State.

WHEREAS, pursuant to Section 5-65(1) of the Business Opportunity Sales Law of 1995, [815 ILCS 602 5/1 et seq.] (the "Act"), the failure to request a hearing within thirty (30) days of the receipt of the Summary Order to Cease and Desist shall constitute a sufficient basis to make the Summary Order final.

WHEREAS, W. Craig and Company and Auctions for Income, their officers, directors, employees, agents, affiliates, successors and assigns, including Elijah Rubin and Dave Espino have failed to request a hearing on the matters contained in the Summary Order within thirty (30) days of receipt of said Summary Order and that they are hereby deemed to have admitted the facts alleged in the said Summary Order.

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WHEREAS, the Secretary of State, by and through his duly authorized representative, has adopted the Findings of Fact contained in the said Summary Order as the Secretary of State's Final Findings of Fact as follows:

1. That the Respondent, W. Craig and Company, is a purported business entity with a last known address of 4040 E. McDowell Road #409, Phoenix, Arizona 85008;
2. That the Respondent, Auctions for Income, is a purported business entity with a last known address of 5521 Schaefer Ave., Chino, California 91710-9070;
3. That, at all times relevant the Respondent Dave Espino was an officer, director, agent or employee of Auctions for Income and/or W. Craig and Company.
4. That, at all times relevant the Respondent Elijah Rubin was an officer, director, agent or employee of W. Craig and Company and/or Auctions for Income.
5. That during the months of December, 2003 through January 2004, Auctions for Income and W. Craig and Company, by and through their officers, directors, employees, agents, affiliates, successors and assigns, including Elijah Rubin and Dave Espino, offered and/or sold to at least one (1) resident of the State of Illinois, an opportunity to purchase supplies, equipment or services purportedly sufficient to enable the Illinois resident to start a business, including, but not limited to, an "auction maximizer", a web site, "Dave Espino Guaranteed Vistor's Program", a 5 year phone support system, a licensing fee, and one year of advertisement, in return for payments which totaled \$3,551.95;
6. That Auctions for Income and W. Craig and Company, by and through their officers, directors, employees, agents, affiliates, successors and assigns, including Elijah Rubin and Dave Espino represented to the Illinois resident, either directly or indirectly, that they would provide a marketing plan;
7. That Section 5-5.10(a) of the Illinois Business Opportunity Sales Law of 1995, [815 ILCS 602 5-1 et seq.] (the "Act") provides, inter alia, that a business opportunity is a contract or agreement, between a seller and a purchaser, express or implied, orally or in

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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 and the seller represents directly or indirectly, orally or in writing, that the seller will provide a marketing plan;

8. That the above-referenced promotion, solicitation or offer constitutes an offer and/or sale of a business opportunity as those terms are defined pursuant to Sections 5-5.10 and 5-5.20 of the Act;
9. That Section 5-25 of the Act provides, inter alia, that it is unlawful for any person to offer or sell any business opportunity in the State of Illinois unless that business opportunity is registered under the Act or is exempt from registration under Section 5-10 of the Act;
10. That at all times relevant, Auctions for Income and W. Craig and Company, by and through their officers, directors, employees, agents, affiliates, successors and assigns, including Elijah Rubin and Dave Espino failed to obtain or file for registration of the above-referenced business opportunity prior to any offer or sale in the State of Illinois;
11. That by virtue of the foregoing, Respondents Auctions for Income and W. Craig and Company, by and through their officers, directors, employees, agents, affiliates, successors and assigns, including Elijah Rubin and Dave Espino have violated Section 5-25 of the Act;
12. That Section 5-65 of the Act provides, inter alia, that whenever it appears to the Secretary of State that any person has engaged or is about to engage in any act or practice constituting a violation of the Act, the Secretary of State may issue an Order directing such person to cease and desist from engaging in any act or practice constituting a violation of any provision of the Act;

WHEREAS, the Secretary of State, by and through his duly authorized representative, has adopted the Conclusions of Law contained in the said Summary Order as the Secretary of State's final Conclusions of Law as follows:

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1. That, by virtue of the foregoing, W. Craig and Company and Auctions for Income, by and through their officers, directors, employees, agents, affiliates, successor and assigns, including Elijah Rubin and Dave Espino has violated Section 5-25 of the Act; and
2. That, by virtue of the foregoing, W. Craig and Company and Auctions for Income, their officers, directors, employees, agents, affiliates, successors and assigns, including Elijah Rubin and Dave Espino are subject, pursuant to Section 5-65 of the Act, to an Order to Cease and Desist from offering and/or selling business opportunities in the State of Illinois.

NOW THEREFORE, IT IS HEREBY ORDERED THAT: pursuant to the authority granted by Section 5-65 of the Act, W. Craig and Company and Auctions for Income, their officers, directors, employees, agents, affiliates, successors and assigns, including Elijah Rubin and Dave Espino are to Cease and Desist from offering or selling business opportunities in the State of Illinois or to residents of the State of Illinois.

ENTERED: This 3rd day of November, 2004.

 

JESSE WHITE
SECRETARY OF STATE
STATE OF ILLINOIS

Attorney for the Secretary of State:
David Finnigan
Illinois Securities Department
300 West Jefferson Street, Suite 300A
Springfield, Illinois 62702
Telephone: (217) 785-4947

NOTICE: Failure to comply with the terms of this Order shall be a violation of Section 5-115(a) of the Business Opportunity Law of 1995 [815 ILCS 602] (the ("Act")). Any person or entity

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that 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 3 felony.

This is a final order subject to administrative review pursuant to the Administrative Review Law, [735 ILCS 5/3-101 et seq.] and the Rules and Regulations of the Act (14 Ill. Admin. Code, Ch. I, Sec. 130.1123). Any action for judicial review must be commenced within thirty-five (35) days from the date a copy of this Order is served upon the party seeking review.