

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

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)
IN THE MATTER OF:)

)
TERRENCE L. DONATI a/k/a TERRY L.)
DONATI, AMY DONATI, and)
BRIGHTON HILL ENTERPRISE, INC.,)
d/b/a NORTHWEST BUSINESS BROKERS)
_____)

No. C0800276

**SUMMARY ORDER OF REVOCATION
AND
TEMPORARY ORDER OF PROHIBITION**

TO THE RESPONDENTS: TERRENCE L. DONATI
210 Penny Avenue, Suite A,
East Dundee, Illinois 60118

TERRENCE L. DONATI
933 Willow Lane
Sleepy Hollow, Illinois 60118

AMY DONATI
210 Penny Avenue, Suite A,
East Dundee, Illinois 60118

AMY DONATI
933 Willow Lane
Sleepy Hollow, Illinois 60118

AMY DONATI
8121 Sierra Woods Lane
Carpentersville, Illinois 60110

BRIGHTON HILL ENTERPRISE, INC.
210 Penny Avenue, Suite A,
East Dundee, Illinois 60118

BRIGHTON HILL ENTERPRISE, INC.
933 Willow Lane
Sleepy Hollow, Illinois 60118

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

1. Respondent Brighton Hill Enterprise, Inc. ("BRIGHTON") is an Illinois Corporate entity not in good standing with the State of Illinois, and is registered to do business as a Business Broker with the Illinois Secretary of State with an address of 210 Penny Avenue, Suite A, in East Dundee, Illinois. BRIGHTON does business as "Northwest Business Brokers," and also operates out of 933 Willow Lane in Sleepy Hollow, Illinois.
2. Respondent Terrence L. Donati a/k/a Terry Donati ("TERRENCE D." or "DONATIS" in conjunction with Respondent Amy Donati) is a citizen of the State of Illinois and is the founder of Respondent Brighton Hill Enterprise, Inc., and acts as BRIGHTON'S agent from 933 Willow Lane in Sleepy Hollow, Illinois, which is TERRENCE D.'s last known residential address as well.
3. Respondent Amy Donati ("AMY D." or "DONATIS" in conjunction with Respondent Terrence L. Donati) is a citizen of the State of Illinois and is also the President and Secretary of Respondent Brighton Hill Enterprise, Inc. AMY D.'s last known residential address is 933 Willow Lane, in Sleepy Hollow, Illinois. AMY D. also does business from 8121 Sierra Woods Lane in Carpentersville, Illinois.
4. The DONATIS have complete control over the activities of BRIGHTON, including its bank accounts and all assets.
5. "Client" is a citizen of Illinois.
6. On or about January 1, 2008, Respondents TERRENCE D. and BRIGHTON contracted with Client to act as Client's agent in brokering the purchase of a restaurant business located in Lake Bluff, Illinois (the "Business") from a third-party ("Seller").
7. In that contract Respondents TERRENCE D. and BRIGHTON promised to assist Client in procuring the Business from Seller for a purchase price of \$305,000.00.
8. In February of 2008 Respondents TERRENCE D. and BRIGHTON took \$30,000.00 from Client as a deposit on the purchase (the "Earnest Money"). Client paid the Earnest Money by writing a bank note for \$20,000.00 and providing an additional \$10,000.00 through a line of credit established by Client.
9. Respondent TERRENCE D. represented to Client that the Earnest Money would be held in escrow.

10. In Fact, Respondent TERRENCE D. did not place the Earnest Money in escrow, but rather, deposited it in Respondent BRIGHTON's business banking account.
11. Seller was unable to close on the sale of his business to Client, and in May of 2008, Client and Seller authorized the release of the purportedly escrowed Earnest Money to Client, even mailing Respondents a signed instruction to do so.
12. However, the DONATIS have refused to pay Client his Earnest Money.
13. Respondents refused to pay Client his Earnest Money because the DONATIS spent the money to finance their lifestyle.
14. In fact, the DONATIS use the BRIGHTON account as their own personal piggy-bank, draining the BRIGHTON account to pay for, among other things, their mortgage, to purchase groceries and even to pay their cable television bill.
15. The BRIGHTON bank account, as with the DONATIS' respective personal accounts, is usually overdrawn, and as such, BRIGHTON is insolvent and unable to pay its liabilities to Respondents' customers, as this matter demonstrates.
16. Furthermore, truth appears to be a stranger to Respondent TERRENCE D., who represented to the Illinois Securities Department that he had mailed Client his Earnest Money in April of 2008, when, in fact, as the BRIGHTON account indicates, he did not.
17. Respondent TERRENCE D. also represented to the Illinois Securities Department that if the purported check he sent to Client in April had not been cashed, he would issue a certified check to Client the week of July 21, 2008.
18. Again, TERRENCE D. lied, and Respondents continue to refuse to pay Client his money.
19. The activities described in paragraph 6 through 8, above, are the activities of a business broker as defined by Section 10-5.10 of the Illinois Business Brokers Act of 1995 (the "Act"). *815 ILCS 307/10-1 et seq.*
20. Section 10-40(a) of the Act states, in pertinent part, that the Secretary of State may deny, suspend or revoke a registration of a business broker if the business broker: 1) is insolvent; or 2) has violated any provision of this Act.
21. Section 10-40(b) of the Act states that the Secretary of State may by summary order deny, suspend or revoke a registration of a Business Broker pending final determination of any proceeding under Section 10-40.

22. As stated in paragraphs 12 through 15, above, Respondent BRIGHTON is insolvent and is financially unable to perform its contractual obligations of its business brokering duties.
23. Section 10-85(a) of the Act states in pertinent part that a business broker shall not, in connection for the services of a business broker, either directly or indirectly: (1) employ any device, scheme, or article to defraud; (2) make any untrue statements of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of circumstances under which they are made, not misleading; or (3) engage in any act, practice or course of business that operates or would operate as a fraud or deceit upon any person.
24. The activities described in paragraphs 8 through 10, above, constitute a violation of Section 10-85(a)(1), (2) and (3), respectively, of the Act.
25. The Activities described in paragraph 16, above, constitute a violation of Section 10-85(a)(2) of the Act.
26. The Activities described in paragraphs 17 through 18, above, constitute a violation of Section 10-85(a)(2) of the Act.
27. Pursuant to Section 10-40(a) and(b) of the Act Respondents registration as a Business Broker in the State of Illinois is subject to summary revocation pending a final determination by administrative hearing on this matter.
28. Section 10-55(s) of the Act states in pertinent part that the Secretary of State may temporarily prohibit for a period of 90 days the business of providing business brokerage services.
29. Pursuant to Section 10-55 of the Act, if the Secretary of State determines, after notice and opportunity for a hearing, that Respondents violated the Act, the Secretary of State may impose an administrative fine of \$10,000.00 for each violation : in this matter each Respondent is subject to no less than \$50,000.00 in administrative fines.

NOW THEREFORE IT IS HEREBY ORDERED THAT: pursuant to the authority granted by Section 10-55 of the Act, Respondents **TERRENCE L. DONATI, AMY DONATI** and **BRIGHTON HILL ENTERPRISE, INC.**, are **PROHIBITED** from offering or providing business brokerage services in or from this State, and their registration in the State of Illinois are **REVOKED** until further Order of the Secretary of State.


NOTICE is hereby given that Respondent may request a hearing on this matter by transmitting such request in writing to the Director, Illinois Securities Department, 69 W. Washington Street, Suite 1220, Chicago, Illinois 60602. Such request must be made within thirty (30) calendar days of the date of entry the Temporary Order of Prohibition.

Upon receipt of a request for hearing, a hearing will be scheduled as soon as reasonably practicable. A request for hearing will not stop the effectiveness of this Temporary Order and will extend the effectiveness of this Temporary Order for sixty days from the date the hearing request is received by the Department.

FAILURE BY ANY RESPONDENT TO REQUEST A HEARING WITHIN THIRTY (30) CALENDAR DAYS AFTER ENTRY OF THIS TEMPORARY ORDER OF PROHIBITION SHALL CONSTITUTE AN ADMISSION OF ANY FACTS ALLEGED HEREIN AND SHALL CONSTITUTE SUFFICIENT BASIS TO MAKE THIS TEMPORARY ORDER OF PROHIBITION FINAL.

Dated: This 6st day of August 2008.

Attorney for the Secretary of State:
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JESSE WHITE
Secretary of State
State of Illinois