

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

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IN THE MATTER OF: THE COFFEE MAN, INC., ITS )  
OFFICERS AND DIRECTORS, AGENTS, EMPLOYEES, ) FILE NO. 0800484  
AFFILIATES, SUCCESSORS AND ASSIGNS. )  
\_\_\_\_\_ )

**SUMMARY ORDER  
TO CEASE AND DESIST**

TO THE RESPONDENT: The Coffee Man, Inc.  
999 18<sup>th</sup> Street, Suite 3000  
Denver, CO 80202

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 The Coffee Man, Inc. (the "Respondent"), was a registered Colorado Corporation which maintained its principal office at 999 18<sup>th</sup> Street, Denver, Colorado 80202.
2. That during March of 2008 the Respondent placed an advertisement in the business opportunity classified section of Sunday *Chicago Tribune* a newspaper of general circulation in Chicago, Illinois.
3. That said advertisement was for Distributorships in coffee vending business which included the coffee, displays and finding locations which placed the displays all to be purchased from Respondent (the "Package").
4. That at least one Illinois resident (the "Purchaser") responded to the ad by calling the listed number. The Respondents representative told the Purchaser that they would provide a "turnkey" business with coffee, syrups and sixty displays consisting of three different size displays per location, plus training in inventory, merchandising and basic accounting practices. Purchaser was told that he would receive "a 100% return on his investment in the first year, or \$109,208.00."
5. That Respondent informed Purchaser that the Package of 60 displays and supply of coffee would cost \$89,900.00 plus \$3,889.70 for freight charges. The Purchaser was also to set aside the sum of \$6000.00 to the designated locator.

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6. That Respondent sold to Purchaser, the Package with locations, and Purchaser remitted the \$44,950.00 on April 18, 2008 and \$48,839.70 as requested.
7. That the Respondent delivered some of the displays, but no coffee to Purchaser. The locator provided never returned Purchaser's phone calls.
8. That the Purchaser wrote and called Respondent on numerous occasions concerning the failure to deliver and provide locations and eventually demanded the return of his purchase price.
9. That Section 5-5.10(a)(1) 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 or a person recommended by the seller will provide or assist the purchaser in finding locations for the use or operation of...display cases...on premises neither owned nor leased by the purchaser or seller...and... the seller will provide a marketing plan...
10. That the Package described in paragraphs three-five (3-5), 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, three and six (2-3 & 6), constitute an offer and sale as those terms are defined under Sections 5-5.20 and 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, its officers and directors, agents, employees, affiliates, successors and assigns, failed to register the business opportunity described in paragraphs three-five (3-5) 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 5-65 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.

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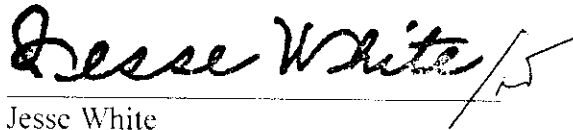
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NOW THEREFORE IT IS HEREBY ORDERED THAT: Pursuant to the authority granted by Section 5-65 of the Act, The Coffee Man, Inc., its officers and directors, employees, agents, affiliates, successors and assigns are ordered to CEASE and DESIST from offering 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 Respondent may request a hearing on this matter by transmitting a written request to the Securities Director, Illinois Securities Department, and 69 West Washington Street, Suite 1220, 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.

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 24<sup>th</sup> day of November, 2009.



Jesse White  
Secretary of State  
State of Illinois

Attorney for the Secretary of State:

Samuel F. Freiman  
Office of the Secretary of State  
Illinois Securities Department  
69 West Washington, Suite 1220  
Chicago, Illinois 60602  
Telephone: (312) 793-3988