

Order of Prohibition and Fine

2

1. The Department served Respondents with the Amended Notice of Hearing on April 1, 2009.
2. Respondents did not appear personally at the Hearing on May 22, 2009 but were represented by their attorney, Mr. William F. Marutzky.
3. Due notice having been given to the Respondents, Respondents' attorney appearing on behalf of Respondents at the Hearing, the Department was allowed to proceed to a Default Hearing. The hearing was conducted by way of introduction of the testimony of four State witnesses: Investigator Richard Diaz, Talmage Edwards, Mr. William Keim and Mrs. Elizabeth Keim, each testified extensively and documentation was offered and accepted into evidence.
4. Respondents Igor Anatsko, Maria Chychula, Vitaliy Baka d/b/a GnXpert Corp. solicited Mr. William Keim and Mrs. Elizabeth Keim to purchase, and sold to them, a promissory note in the amount of \$100,000.00, together with interest on the unpaid principal amount of the note in the amount of 25% payable in six months. The total sum of \$125,000.00 was to be paid to the Keims on October 6, 2006.
5. That Section 2.1 of the Illinois Securities Law of 1953 [815 ILCS 5] (the "Act") defines "securities" to include, *inter alia*, "participating in any profit sharing agreement", "investment contracts", and "promissory notes".
6. That the activities engaged in by Respondents Igor Anatsko, Maria Chychula, Vitaliy Baka d/b/a GnXpert Corp. constitute the offer and sale of a security as those terms are defined in Sections 2.1, 2.5, and 2.5a of the Illinois Securities Law of 1953 [815 ILCS 5] (the "Act").
7. Section 12.F of the Act provides, *inter alia*, that it shall be a violation of the Act for any person to engage in any transaction, practice or course of business in connection with the sale or purchase of securities which works or tends to work a fraud or deceit upon the purchaser or seller thereof.
8. Section 12.G of the Act provides, *inter alia*, that it shall be a violation of the Act for any person to obtain money or property through the sale of securities by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading.
9. Respondents violated Sections 12.F and 12.G of the Act.

WHEREAS the Secretary of State makes the following additional Findings of Fact based upon the allegations of the Notice of Hearing and the uncontroverted evidence and testimony admitted at the Hearing:

Order of Prohibition and Fine

3

10. At the time of the sale Respondents failed and refused to notify Investors of the risk involved in the purchase of the Note that could result in the loss of the Investors' money.
12. Respondents failed and refused to pay Investors any of the principal or interest due on the Note.
13. Section 12.I of the Act provides, *inter alia*, that it shall be a violation of the Act for any person, "to employ any device, scheme or artifice to defraud in connection with the sale or purchase of any security, directly or indirectly.
14. Respondents violated Section 12.I of the Act.

WHEREAS, the following proposed Conclusions of Law are correct, they are hereby adopted as Conclusions of Law of the Secretary of State.

1. The Department properly served the Notice of Hearing on Respondent on April 1, 2009.
2. The Secretary of State has jurisdiction over the subject matter hereof pursuant to the Act.
3. That Section 2.1 of the Illinois Securities Law of 1953 [815 ILCS 5] (the "Act") defines "securities" to include, *inter alia*, "participating in any profit sharing agreement", "investment contracts", and "promissory notes".
4. That the activities engaged in by Respondents Igor Anatsko, Maria Chychula, Vitaliy Baka, d/b/a Gnexpert constitute the offer and sale of a security as those terms are defined in Sections 2.1, 2.5. and 2.5a of the Illinois Securities Law of 1953 [815 ILCS 5] (the "Act").
5. Section 12.F of the Act provides, *inter alia*, that it shall be a violation of the Act for any person to engage in any transaction, practice or course of business in connection with the sale or purchase of securities which works or tends to work a fraud or deceit upon the purchaser or seller thereof
6. Section 12.G of the Act provides, *inter alia*, that it shall be a violation of the Act for any person to obtain money or property through the sale of securities by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading.
7. Respondents violated Sections 12.F and 12.G of the Act.

WHEREAS the Secretary of State hereby adopts the following additional Conclusions of Law based upon the allegations of the Notice of Hearing and the

Order of Prohibition and Fine

4

uncontroverted evidence and testimony admitted at the Hearing, and the additional Findings of Fact:

8. Section 12.I of the Act provides, *inter alia*, that it shall be a violation of the Act for any person, "to employ any device, scheme or artifice to defraud in connection with the sale or purchase of any security, directly or indirectly.
9. Respondents violated Section 12.I of the Act.

WHEREAS, the Hearing Officer recommends that:

1. The Department's request for a Default Judgment against each of the Respondents Igor Anatsko, Maria Chychula, Vitaliy M. Baka is granted.
2. A permanent Order shall be entered prohibiting Respondents Igor Anatsko, Maria Chychula, Vitaliy M. Baka, d/b/a GnXpert their partners, officers and directors, managers, agents, employees, affiliates, successors and assigns from offering or selling securities in or from the State of Illinois.
3. State's request for a fine in the amount of \$10,000.00 against each of the Respondents Igor Anatsko, Maria Chychula, and Vitaliy M. Baka is granted.

NOW THEREFORE IT IS HEREBY ORDERED THAT:

1. Respondent **Igor Anatsko**, individually and d/b/a GnXpert and his partners, officers and directors, agents and employees, affiliates, successors and assigns are **PROHIBITED** from offering or selling securities in or from the State of Illinois; and Respondent **Igor Anatsko** is **FINED** in the amount of Ten Thousand Dollars (\$10,000.00), payable to the Office of the Secretary of State, Securities Audit and Enforcement Fund.
2. Respondent **Maria Chychula** individually and d/b/a GnXpert and her partners, officers and directors, agents and employees, affiliates, successors and assigns are **PROHIBITED** from offering or selling securities in or from the State of Illinois; and Respondent **Maria Chychula** is **FINED** in the amount of Ten Thousand Dollars (\$10,000.00), payable to the Office of the Secretary of State, Securities Audit and Enforcement Fund.
3. Respondent **Vitaliy M. Baka** individually and d/b/a GnXpert and his partners, officers and directors, agents and employees, affiliates, successors and assigns are **PROHIBITED** from offering or selling securities in or from the State of Illinois; and Respondent **Vitaliy M. Baka** is **FINED** in the amount of Ten Thousand Dollars (\$10,000.00), payable to the Office of the Secretary of State, Securities Audit and Enforcement Fund.

Order of Prohibition and Fine

5

NOTICE: Failure to comply with the terms of this Order shall be a violation of Section 12.D of the Act. Any person or entity 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 4 felony for each offense.

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. 1 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.

ENTERED this 4th day of September 2009.

A handwritten signature in black ink that reads "Jesse White" with a stylized flourish at the end.

JESSE WHITE
Secretary of State
State of Illinois

James J. Tierney
Attorney for the Secretary of State
Securities Department
69 West Washington
Suite 1220
Chicago, Illinois 60602
Ph: 312-793-9650