

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

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**IN THE MATTER OF: BRANT RUSHTON;  
MELISSA RUSHTON AND  
SUMMIT TRADING & CAPITAL, LLC**

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**File No. C1100459**

**TEMPORARY ORDER OF PROHIBITION**

**TO THE RESPONDENTS: SUMMIT TRADING & CAPITAL, LLC**  
c/o Brant Rushton  
2755 NW Champion Circle  
Bend, Oregon 97701

**BRANT RUSHTON**  
2755 NW Champion Circle  
Bend, Oregon 97701

**MELISSA RUSHTON**  
2755 NW Champion Circle  
Bend, Oregon 97701

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:

**BACKGROUND FACTS**

1. Summit Trading & Capital LLC (“Respondent Summit” or collectively with Respondents B. Rushton and M. Rushton, “Respondents”) is a dissolved Illinois limited liability company. Its last known address is 2755 NW Champion Circle, Bend, Oregon 37701. On July 9, 2010, Respondent Summit was involuntarily dissolved by the Illinois Secretary of State. Brant Rushton and Melissa Rushton are listed as its sole members.
2. Brant Rushton (“Respondent B. Rushton” or collectively with Respondents Summit and M. Rushton, “Respondents”) was a manager of Respondent Summit at all relevant times herein. His last known address is 2755 NW Champion Circle, Bend, Oregon 37701.

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3. Melissa Rushton (“Respondent M. Rushton” or collectively with Respondents Summit and B. Rushton, “Respondents”) was a manager of Respondent Summit at all relevant times herein. Her last known address is 2755 NW Champion Circle, Bend, Oregon 37701.
4. Complainant is a resident of Illinois.
5. That in the Summer of 2006, Complainant met with Respondent B. Rushton at a restaurant in Bloomington, Illinois. At this meeting, Respondent B. Rushton explained the trading program and different accounts Respondent Summit offered which included a “Dow-Mini account”, an “S&P 500 account” and a “Swing account.”
6. At this meeting, Respondent B. Rushton solicited Complainant to invest in these commodity pools managed by Respondent B. Rushton.
7. Subsequent to the meeting, Respondent B. Rushton provided Complainant with two “prospectus” for a “Fully Managed Intra-day S&P 500 Account” and a “Fully Managed Multi-day Swing Account”.
8. According to Respondent Summit’s prospectuses, Complainant’s funds would be traded exclusively by Respondent B. Rushton and would be “mirrors of trades taken by Brant Rushton in his personal account.”
9. From November 2006 through July 2010, anywhere between \$364,750.00 and \$531,000.00 of Complainant’s funds were deposited into multiple bank account(s) of the Respondents.
10. From December 2006 through March 2011, Complainant received monthly statements from Respondents indicating Complainant’s account was earning a profit each month.
11. In March 2001, Respondents mailed statements to Complainant indicating his trading accounts with Respondent Summit were worth approximately \$803,882.11.
12. In March 2011, despite Complainant requesting redemption of a portion of his account, Respondents never sent the payment to Complainant as requested.
13. In May 2011, Complainant was informed by Respondent B. Rushton that only approximately \$70,000.00 of all investors’ funds remained due to trading losses incurred by Respondent Summit.
14. Additionally, Respondent B. Rushton informed Complainant that his accounts were never worth the approximate \$800,000.00 as indicated in the March 2011 statements.

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15. According to Complainant, Respondent B. Rushton informed him that some of his funds were used to pay other investors and for the personal benefit of Respondent Rushton.
16. The activities set forth in paragraphs above constitute the offer and sale of Notes and stock, and therefore are securities, as those terms are defined in Section 2.1, 2.5 and 2.5a of the Illinois Securities Law of 1953, 815 ILCS 5/1 *et seq.*
17. Section 12.A of the Illinois Securities Law of 1953, 815 ILCS 5/1 *et seq.*, (the "Act") states that it shall be a violation of the provisions of this Act for any person to "offer or sell any security except in accordance with the provisions of this Act."
18. Section 5 of the Act provides, inter alia, that all securities except those exempt under Section 3 of the Act or those offered and sold in transactions exempt under Section 4 of the Act shall be registered with the Secretary of State prior to their offer or sale in the State of Illinois.
19. Section 12.D of the Act, states 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 application, report or document under the provisions of this Act or any rule or regulation made by the Secretary of State pursuant to this Act or to fail to comply with the terms of any order of the Secretary of State issued pursuant to Section 11 hereof.
20. Respondents failed to file an application for registration of the above-referenced securities with the Secretary of State and as a result, the securities were not registered pursuant to Section 5 of the Act prior to their offer and sale in the State of Illinois.
21. By virtue of the foregoing, Respondents violated Sections 12.A and 12.D of the Act.
22. Section 12.F of the Act states that it shall be a violation of the provisions 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."
23. Section 12.G of the Act, states that it shall be a violation of the provisions 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."
24. Section 12.I of the Act states that it shall be a violation of the provisions 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."

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25. By virtue of the foregoing, Respondents violated Sections 12.F, G and I of the Act.
26. That Section 11.F(2) of the Act provides, *inter alia*, that the Secretary of State may temporarily suspend or prohibit the offer or sale of securities by any person if the Secretary of State in his or her opinion, based upon credible evidence, deems it necessary to prevent an imminent violation of the Act or to prevent losses to investors which the Secretary of State reasonably believes will occur as a result of a prior violation of the Act.
27. That based upon the foregoing, the Secretary of State deems it necessary, in order to prevent imminent and additional violations of the Act, and to prevent losses to investors as a result of the referenced prior violation of the Act, to enter an order pursuant to the authority granted under Section 11.F of the Act which prohibits the Respondents from offering and/or selling securities in the State of Illinois.
28. That based upon the credible evidence available to the Secretary of State, the entry of this Temporary Order is in the public interest and is consistent with the purposes of the Act.

NOW THEREFORE IT IS HEREBY ORDERED THAT: pursuant to the authority granted by Section 11.F of the Act, **Respondents Brant Rushton, Melissa Rushton and Summit Trading & Capital, LLC** are **PROHIBITED** from offering or selling securities in or from this State until the further Order of the Secretary of State.

NOTICE is hereby given that Respondents may request a hearing on this matter by transmitting such request in writing to Tanya Solov, Director, Illinois Securities Department, 69 West Washington Street, Suite 1220, Chicago, Illinois 60602. Such request must be made within thirty (30) calendar days of the date of entry of the Temporary Order of Prohibition. Upon receipt of a request for hearing, a hearing will be scheduled as soon as reasonable 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.

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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 19<sup>th</sup> day of April 2012.

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

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