

Temporary Order of Prohibition

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return of the "initial amount plus profit TOTAL \$200,000" in 14 business days.

5. Additionally in part, the "Joint Venture Agreement/Contract" provided, "**The funds are not at risk the client shall receive the amount deposited back upon receipt of written authorization for the initial deposited amount to be sent back to investor within 14 business days.**"
6. Both Hernandez and the Investor signed the document and on June 1, 2011 the Investor wired \$30,000 into Respondent's bank account.
7. The activities described above in paragraphs 2-6 constitute the offer and sale of an investment contract and are therefore 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").

FRAUD IN SALE OF SECURITIES

8. Respondent Hernandez did not pay Investor any of the principal or interest due on the investment contract in spite of repeated written and oral demands by the Investor for the return of his investment.
9. Instead Hernandez repeatedly promised to pay the principal and interest to the Investor but failed to do so.
10. Respondent failed and refused to notify Investor of the risk involved in the purchase of the investment contract that could result in the loss of the money paid by the Investor, but rather told the Investor that the investment was "not at risk".
11. 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.
12. 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.
13. By virtue of the foregoing, Respondent violated Sections 12.F and 12.G of the Act and will violate them again if she makes further offers, or if she makes any sales of investment contracts or other securities described above in the State of Illinois.
14. The aforementioned findings are based upon credible evidence.
15. Section 11.F(2) of the Act provides, *inter alia*, that the Secretary of State may temporarily prohibit the offer or sale of securities by any person, without notice

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and prior hearing, if the Secretary of State shall deem it necessary to prevent an imminent violation of the Act or to prevent losses to investors that will occur as a result of prior violations of the Act.

16. The entry of this Temporary Order of Prohibition prohibiting Respondent, or her agents, affiliates, successors and employees, from offering or selling securities in the State of Illinois is in the public interest and for the protection of the investing public and is consistent with the purposes intended by the provisions of the Act.

NOW THEREFORE IT IS HEREBY ORDERED THAT: pursuant to the authority granted by Section 11.F of the Act, Respondent **Monica Hernandez** and her partners, officers and directors, agents, employees, affiliates, successors and assigns are **Temporarily 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 Respondent may request a hearing on this matter by transmitting such request in writing to the 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 reasonably practicable. A request for hearing will not stop the effectiveness of this Temporary Order of Prohibition and will extend the effectiveness of this Temporary Order of Prohibition for sixty (60) 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 14th day of August 2012.



JESSE WHITE
Secretary of State
State of Illinois

Attorney for the Secretary of State:

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