

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

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<b>IN THE MATTER OF:</b>	)	
<b>SEAN F. MESCAL (a/k/a Sean F. Mescall)</b>	)	<b>No. 0900143</b>
<b>and CAPITAL STREET FINANCIAL, LLC,</b>	)	
<b>their partners, members, officers and directors, agents,</b>	)	
<b>employees, affiliates, successors and assigns.</b>	)	
	)	

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**ORDER OF PROHIBITION**

**TO RESPONDENTS: Sean F. Mescal  
a/k/a Sean F. Mescall  
4605 River Hills Drive  
Denver, North Carolina 28037**

**And**

**Capital Street Financial, LLC  
4605 River Hills Drive  
Denver, North Carolina 28037**

WHEREAS, a Temporary Order of Prohibition was issued by the Secretary of State on October 25, 2010 which prohibited Sean F. Mescall and Capital Street Financial, LLC, their partners, officers and directors, agents, employees, affiliates, successors and assigns ("Respondents") from offering or selling securities in or from the State of Illinois until further order of the Secretary of State or his duly authorized representative;

WHEREAS, pursuant to section 11.F of the Illinois Securities Law of 1953 [815 ILCS 5] (the "Act"), the failure to request a hearing within thirty (30) calendar days of the entry of the Temporary Order shall constitute an admission of any acts alleged therein and constitute a sufficient basis to make the Temporary Order final;

WHEREAS, the Respondents have failed to request a hearing on the matters contained in the Temporary Order within thirty (30) calendar days of the entry of said Temporary Order and the Respondents are hereby deemed to have admitted the facts alleged in the Temporary Order;

WHEREAS, the Secretary of State, by and through his duly authorized representative, has adopted the Findings of Fact contained in the Temporary Order as the Secretary of State's Findings of Fact as follows:

1. Respondent Sean F. Mescall a/k/a Sean F. Mescall (hereinafter "Mescal" or collectively with CSF "Respondents") has a last known address of 4605 River Hills Drive, Denver, North Carolina 28037.
2. Respondent Capital Street Financial, LLC (hereinafter "CSF" or collectively with Mescal "Respondents") is Nevada limited liability company with a last known address of 4605 River Hills Drive, Denver, North Carolina 28037.
3. Respondent Mescal was the president and sole controlling member of Respondent CSF at all relevant times hereinafter stated.
4. In March 2008 Respondents solicited an Illinois resident ("Investor") to purchase an interest in Mescal's currency trading business, Respondent CSF, in the amount of \$10,000.
5. Respondents promised that Mescal would "trade currencies" and Investor would share in the profits.
6. On March 17, 2008 Investor gave Respondents Mescal and CSF a check in the amount of \$10,000 ("Investment") which was to be used for investment in currency trading.
7. The activities in paragraph 4, 5 and 6 constitute the offer and sale of an investment contract and are therefore a security as those terms are defined in Section 2.1, 2.5 and 2.5a of the Illinois Securities Act of 1953 [815 ILCS 5] (the "Act").

#### **FAILURE TO REGISTER SECURITIES**

8. Respondents never registered the investment contract with the Illinois Securities Department.
9. Section 5 of the Act provides, *inter alia*, that "all securities except those set forth under Section 2a of this Act...or those exempt...shall be registered ...prior to their offer or sale in this State."
10. Respondents failed to file an application with the Secretary of State to register the stock as required by the Act, and as a result the promissory note was not registered as such prior to its offer or sale in the State of Illinois.

11. Section 12.A of the Act provides, *inter alia*, that it shall be a violation for any person to offer or sell any security except in accordance with the provisions of the Act.
12. Section 12.D of the Act provides, *inter alia*, that it shall be a violation for any person “to fail to file with the Secretary of State any application, report or document, required to be filed under the provisions of the Act or any rule or regulation made by the Secretary of State pursuant to the Act.”
13. By virtue of the foregoing Respondents violated Sections 12.A and 12.D of the Act.

#### FRAUD

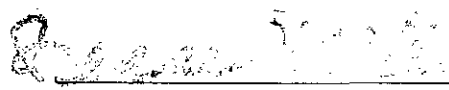
14. Respondents did not use Investor’s money for currency trading as was promised to Investor, but instead converted the funds for their own personal and business purposes.
15. Respondents failed and refused to notify the Investor that they were converting the Investment to their own use and benefit, instead of using it to trade currencies as promised.
16. 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”.
17. 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”.
18. 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”.
19. By virtue of the foregoing, Respondents violated Sections 12.F, 12.G and 12.I Act and will violate them again if they make further offers, or if they make any sales of investment contracts or other securities described above in the State of Illinois.

NOW THEREFORE IT IS HEREBY ORDERED THAT: pursuant to the authority granted by Section 11.F of the Act, Respondents **Sean F. Mescall and Capital Street Financial, LLC**, and their partners, officers and directors, agents, employees, affiliates, successors and assigns, are **PROHIBITED** from rendering investment advice and from offering or selling securities in or from this State until the further Order of the Secretary of State.

**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 offence.

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.

Dated: This 22<sup>nd</sup> day of December 2010.



JESSE WHITE

Secretary of State  
State of Illinois

Attorney for the Secretary of State:

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