

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

---

<b>IN THE MATTER OF:</b>	)	
<b>ANDY KIEL and</b>	)	
<b>UNITED PROPERTY INVESTMENTS, LLC. and</b>	)	<b>No. 0900162</b>
<b>PHYNANCE, LTD., their partners, members, officers</b>	)	
<b>and directors, agents, employees, affiliates,</b>	)	
<b>successors and assigns.</b>	)	

---

**TEMPORARY ORDER OF PROHIBITION**

**TO RESPONDENTS: ANDY KIEL,  
UNITED PROPERTY INVESTMENTS, LLC.,  
PHYNANCE, LTD. and  
263B NICOLE DRIVE,  
SOUTH ELGIN, ILLINOIS 60177**

On information and belief, I, Jesse White, Secretary of State for the 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 :

1. Respondent Andy Kiel (hereinafter at times "AK" or collectively with United Property Investments, LLC and Phynance, Ltd., "Respondents") has a last known address of 263B Nicole Drive, South Elgin, Illinois 60177.
2. Respondent United Property Investments, LLC (hereinafter at times "United" or collectively with AK and Phynance "Respondents") was an Illinois limited liability company, now dissolved, with a last known address of 263B Nicole Drive, South Elgin, Illinois 60177 .
3. Respondent Phynance, Ltd. (hereinafter at times "Phynance" or collectively with AK and United "Respondents") was an Illinois corporation, now dissolved, with a last known address of 263B Nicole Drive, South Elgin, Illinois 60177.
4. Respondent AK, at all relevant times herein, was the controlling member of United with the sole power to disburse United funds.

## Temporary Order of Prohibition

2

5. Respondent AK, at all relevant times herein, was the sole shareholder, officer, director and controlling employee of Phynance with the sole power to disburse Phynance funds.
6. The “Investors” referred to hereinafter are husband and wife and are Illinois residents.
7. In November 2005 Respondent AK solicited at Investors to purchase a promissory note (“Note”) from Phynance for which AK was an agent.
8. On or about November 9, 2005 Investors purchased the Note in the amount of \$91,000.00 by endorsing a check in the amount of \$91,035.75 (payable to one of the Investors) over to Phynance and received a document entitled “Promissory Note” from AK in return.
9. The Note’s terms included a promise to pay the principal and “...interest at the yearly rate of 7%...” with payments 60 monthly payments of \$530.83 on the 15<sup>th</sup> of each month beginning December 15, 2005 and a lump sum payment of “the entire balance of principal and interest” on or before November 15, 2011.
10. Respondents’ activities described in paragraphs 7-9 above involve the offer and sale of a promissory note 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**

11. Between December of 2005 and August 2007 Respondents made monthly installment payments of \$530.83 to Investors, but made no further payments after August 2007.
12. In fact, Respondents converted and used the remainder of Investors’ money for their own personal and business purposes, which included a transfer to the bank account in the name of Respondent United Property Investments, LLC.
13. The funds transferred to the account of United Property Investments, LLC were thereafter converted and used for the personal and business interests of Respondent AK.
14. 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”.

## Temporary Order of Prohibition

3

15. 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”.
16. 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”.
17. 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.
18. The aforementioned findings are based upon credible evidence.
19. 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 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.
20. The entry of this Temporary Order of Prohibition prohibiting Respondents **Andy Kiel, United Property Investments, LLC and Phynance, Ltd.** or their partners, members, officers and directors, 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, Respondents **Andy Kiel, United Property Investments, LLC and Phynance, Ltd.** their partners, members, 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 Respondents 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

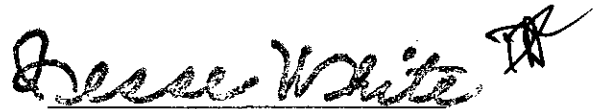
Temporary Order of Prohibition

4

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 14<sup>th</sup> day of April 2010.

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

Attorney for the Secretary of State:

James J. Tierney  
Illinois Securities Department  
69 West Washington Street  
Chicago, Illinois 60602  
312-793-9650