

STATE OF ILLINOIS
SECRETARY OF STATE
SECURITIES DEPARTMENT

_____))
IN THE MATTER OF REED KYLE DIEHL, INDIVIDUALLY and))
DIEHL & COMPANY, DIEHL CAPITAL, ARA CAPITAL, AND))
AMERIVEST TRUST GROUP, Its Officers, Directors, Employees,))
Partners, Successors, Agents and Assigns.))
_____)

File No. 0800287

TEMPORARY ORDER OF PROHIBITION

TO THE RESPONDENTS: Amerivest Trust Group
8001 Irvine Center Drive, Suite 100
Irvine, CA 92618

Diehl & Company
8001 Irvine Center Drive, Suite 100
Irvine, CA 92618

Diehl Capital
8001 Irvine Center Drive, Suite 100
Irvine, CA 92618

ARA Capital
8001 Irvine Center Drive, Suite 100
Irvine, CA 92618

Reed Kyle Diehl
8001 Irvine Center Drive, Suite 100
Irvine, CA 92618

- 1 On information and belief, I, Jesse White, Secretary of State for the State of Illinois, through my designated representative, having been fully advised in the premises by the staff of the Illinois Securities Department, Office of the Secretary of State, herein find
- 2 That Respondents, Amerivest Trust Group, ("Amerivest"), Diehl & Company (D & C"), Diehl Capital, ("DC"), ARA Capital, ("ARA"), were business entities of unknown form, with a last known address of 8001 Irvine Center Drive, Irvine, CA 92618

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- 3 That Respondent, Reed Kyle Diehl, ("Diehl"), is an individual with a last known address of Irvine Center Drive, Irvine, CA 92618, collectively with Amerinvest, D & C, DC, and ARA, (the "Respondents").
- 4 That Diehl was the owner and/or managing director of: Amerinvest, ARA, D & C, and ARA, and according to Diehl were all considered to be the business entity
- 5 That in March and April 2007, Respondent ARA boasted on their website www.aracapital.com that ARA was the first American Financial Institution to be recognized as a "SOFOM", a Mexican recognized lending institution, which was viewed by at least one (1) Illinois resident.
- 6 That in early June, 2007, Respondents, by and through its Officers, Directors, Employees, Affiliates, Successors, Agents and Assigns, and Scott, offered to procure a loan for at least one (1) Illinois resident, the developer of a condominium project in San Jose Del Cabo, Baja California Sur, Mexico (the "Borrower") who contacted them after viewing the website
- 7 Respondents told the Borrower that in return for an "interest reserve deposit" ("Deposit") of \$1,175,000.00 dollars. to be placed in a 2.2% interest bearing account the Borrower would receive a \$24,000,000 00 dollar line of credit to purchase abutting property and expand the project.
- 8 The Borrower paid an Advance Fee, i.e., the Deposit of \$1,175,000.00 in payments of \$500,000.00 on May 31, 2007 and \$765,000 00 on June 5, 2007, to Amerinvest Diehl then indicated additional funds were needed to obtain such a line of credit.
- 9 Pursuant to Respondent Diehl's request borrower made additional transfers to Amerinvest of \$50,000.00 and \$200,000.00 on June 14, 2007, \$150,000.00 on June 21, 2007 and \$125,000.00 on June 22, 2007.
- 10 Respondent Diehl then told the borrower that due to the financial situation in the United States, Reed's people in New York were requesting that the Deposit be increased to \$2 5 million. The borrower transferred \$800,000.00 on August 7, 2007, in order to reach that amount on deposit with Amerinvest
- 11 That the Borrower never received a line of credit, a loan or the return of the Deposit or advance payment from the Respondent.
- 12 That the above-referenced Respondents are loan brokers as that term is defined pursuant to Section 15-5.15 of the Illinois Loan Brokers Act of 1995 [815 ILCS 175/15-1 et seq] (the "Act").

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13. That Section 15-10 of the Act provides, inter alia, that it shall be unlawful for any person to engage in the business of loan brokering unless registered under the Act
14. That Section 15-85. of the Act provides, inter alia, that it is prohibited under the Act for a loan broker to either directly or indirectly act as a loan broker without registration under the Act unless exempt under the Act.
15. That at all times relevant hereto, Respondents, its Officers, Directors, Employees, Affiliates, Successors, Agents and Assigns, and Scott failed to file an application for registration as a loan broker with the Secretary of State prior to the aforementioned loan offer from the State of Illinois.
16. That by virtue of the foregoing, Respondents its Officers, Directors, Employees, Affiliates, Successors, Agents, Assigns, and Scott have violated Section 15-10 and/or 15-85(b) of the Act.
17. That Section 15-55(c) of the Act provides, inter alia, that if the Secretary of State shall find that any person has violated any provision of this Act, the Secretary of State may, by written order temporarily prohibit or suspend such person from acting as a loan broker
18. That Section 15-55(d) of the Act provides, inter alia, that if the Secretary of State shall find any person is acting or has acted as a loan broker as defined in Section 15-5 15 of this Act, without prior thereto or at the time thereof having complied with the registration requirements of the Act, the Secretary of State may by written order prohibit such person from acting as a loan broker in the State
19. 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 15-55(c) and Section 15-55(d) of the Act which prohibits Respondents, its Officers, Directors, Employees, Affiliates, Successors, Agents, Assigns and Diehl from acting as a loan broker in the State of Illinois
20. 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 15-55(c) and Section 15-55(d) of the Act, Amerivest Trust Group, Diehl & Company, Diehl Capital, ARA Capital their Officers, Directors, Partners, Employees, Affiliates, Successors, Agents, Assigns, and Reed Kyle Diehl are hereby PROHIBITED from engaging in the business of loan brokering in the State of Illinois until further order of the Secretary of State

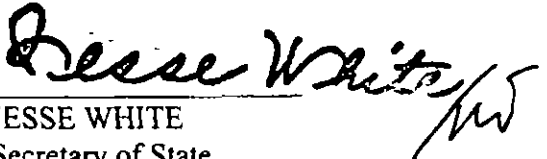
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NOTICE is hereby given that the Respondents may request a hearing on this matter by transmitting such request in writing to Securities Director, Illinois Securities Department, 69 West Washington Street, Suite 1220, Chicago, Illinois 60601. Such request must be made within thirty (30) days of the date of entry of this Temporary Order. Upon receipt of a request for hearing, a hearing will be scheduled. Request for hearing will not stop the effectiveness of this Temporary Order and will extend the effectiveness of this Temporary Order for ninety days from the date the hearing request is received by the Department.

FAILURE BY ANY RESPONDENT TO REQUEST A HEARING WITHIN THIRTY (30) DAYS AFTER ENTRY OF THIS TEMPORARY ORDER SHALL CONSTITUTE AN ADMISSION OF ANY FACTS ALLEGED HEREIN AND CONSTITUTES SUFFICIENT BASIS TO MAKE THE TEMPORARY ORDER FINAL.

ENTERED This 2nd day of December, 2009.



JESSE WHITE
Secretary of State
State of Illinois

Attorney for the Secretary of State

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