



Order to Cease and Desist

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- 4 That at least one Illinois resident (the "Purchaser") responded to the ad by calling the listed number. The Respondent's representative told the Purchaser that they would provide a "turnkey" business with coffee, syrups and sixty displays consisting of three different size displays per location, plus training in inventory, merchandising and basic accounting practices. Purchaser was told that he would receive "a 100% return on his investment in the first year, or \$109,208.00 "
5. That Respondent informed Purchaser that the Package of 60 displays and supply of coffee would cost \$89,900.00 plus \$3,889.70 for freight charges. The Purchaser was also to set aside the sum of \$6,000.00 to the designated locator.
- 6 That Respondent sold to Purchaser, the Package with locations, and Purchaser remitted the \$44,950.00 on April 18, 2008 and \$48,839.70 as requested
7. That the Respondent delivered some of the displays, but no coffee to Purchaser. The locator provided never returned Purchaser's phone calls
8. That the Purchaser wrote and called Respondent on numerous occasions concerning the failure to deliver and provide locations and eventually demanded the return of his purchase price
9. That Section 5-5.10(a)(1) of Business Opportunity Sales Law of 1995, [815 ILCS 602 et seq.] (The "Act") provides, inter alia, that a business opportunity is a contract or agreement, between a seller and purchaser, express or implied, orally or in writing, wherein it is agreed that the seller or a person recommended by the seller shall provide to the purchaser any product, equipment, supplies or services enabling the purchaser to start a business when the purchaser is required to make a payment to the seller or a person recommended by the seller of more than \$500 and the seller or a person recommended by the seller will provide or assist the purchaser in finding locations for the use or operation of...display cases ..on premises neither owned nor leased by the purchaser or seller...and.. the seller will provide a marketing plan .
- 10 That the Package described in paragraphs three-five (3-5), constitutes a business opportunity as that term is defined in Section 5-5.10 of the Act.
- 11 That the activities described in paragraphs two, three and six (2-3 & 6), constitute an offer and sale as those terms are defined under Sections 5-5.20 and 5-5.40 of the Act
- 12 That Section 5-25 of the Act provides, inter alia, that it is unlawful for any person to offer any business opportunity in this State unless the business opportunity is registered under the Act or is exempt under Section 5-10 of the Act

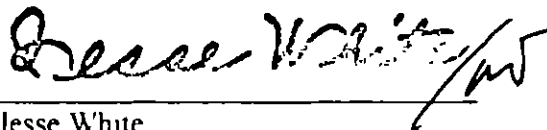
Order to Cease and Desist

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13. That at all relevant times, Respondent, its officers and directors, agents, employees, affiliates, successors and assigns, failed to register the business opportunity described in paragraphs three-five (3-5) as required pursuant to Section 5-25 of the Act
- 14 That, by virtue of the foregoing, the Respondent violated Section 5-25 of the Act
- 15 That Section 5-65 of the Act provides, inter alia, that whenever it appears to the Secretary of State that any person has engaged in or is about to engage in any act or practice constituting a violation of any provision of this Law or any rule, regulation, or order under this Law and the Secretary of State does not receive a request for hearing within the time specified in the cease and desist order the cease and desist order will be permanent

NOW THEREFORE, IT IS HEREBY ORDERED That pursuant to Section 5-65 of the Act, the Respondent, The Coffee Man, Inc. its partners, officers and directors, employees, agents, affiliates, successors and assigns, are hereby permanently ordered to CEASE and DESIST from offering or selling any business opportunities in the State of Illinois in violation of the provisions of the Act.

DATED This 28<sup>th</sup> day of December, 2009



Jesse White  
Secretary of State  
State of Illinois

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