

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

IN THE MATTER OF:	Richard K. Olive; Susan L. Olive; Kenny Marks	FILE NO. 0700292
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TEMPORARY ORDER OF PROHIBITION

TO RESPONDENTS:

Richard K. Olive
1308 Buckingham Circle
Franklin, TN 37064

Susan L. Olive
1308 Buckingham Circle
Franklin, TN 37064

Kenny Marks
1308 Buckingham Circle
Franklin, TN 37064

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 finds:

Respondent Made Misrepresentations to Investors In Connection With the Sale of Securities

1. National Foundation of America, (NFOA) is a Tennessee company with last known address 1308 Buckingham Circle Franklin, TN 37064.
2. Respondent Richard K. Olive has a commercial business address of 1308 Buckingham Circle, Franklin, TN 37064.
3. Richard K. Olive at all relevant times was President of National Foundation of America.
4. Respondent Susan L. Olive at all relevant times was Vice-President of National Foundation of America.

5. Respondent Susan L. Olive has a commercial business address of 1308 Buckingham Circle, Franklin, TN 37064.
6. Respondent Kenny Marks at all relevant times was Vice-President of National Foundation of America
7. Respondent Kenny Marks has a commercial business address of 1308 Buckingham Circle, Franklin, TN 37064.
8. On August 18, 2006, Respondents solicited an Illinois Investor (hereinafter "Investor") to purchase an installment plan (hereinafter "the Plan") issued by NFOA.
9. According to the terms of the Plan Investor would receive a NFOA tax deductible installment plan by transferring Investor's title to three Allianz equity indexed annuity policies totaling \$36,017.75 by way of donation to NFOA.
10. In exchange for donating to NFOA Investor's interest in the three equity indexed annuities, Respondents agreed to pay Investor an amount of \$477.27 a month for five years from NFOA.
11. Respondents represented to Investor that NFOA was a charitable non-profit organization under Section 501(c)(3) of the Internal Revenue Code.
12. Respondents represented to Investor that by entering into this transaction and by donating her interest in her three annuities to NFOA, Investor would be able to attain a tax deduction of \$14,445.
13. Respondents represented to Investor that as a result of this deduction Investor would receive tax savings totaling \$3,611.
14. Respondents represented to Investor that this transaction would provide guaranteed, fixed income to Investor, while humanitarian and charitable work was done around the world.
15. Investor's last monthly payment owed to her by NFOA pursuant to the Plan was made in April of 2007.
16. Investor has not received any monthly payment pursuant to the Plan since April of 2007.
17. Respondents made the following material misrepresentations and omissions to Investor in connection with the sale of the Plan:
 - a. That NFOA was a charitable non-profit organization under Section 501(c)(3) of the Internal Revenue Code.

Temporary Order of Prohibition

3

- b. That Investor would be able to claim a deduction in the amount of \$14,445 from her taxes as a result of donating her three Allianz equity indexed annuities to NFOA.
 - c. That Respondents failed to disclose the risks related to the purchase of the Plan.
18. NFOA in fact was not in fact a charitable non-profit organization under Section 501(c)(3) of the Internal Revenue Code at the time of the sale of the Plan.
 19. That as a result Investor was not able to claim a deduction in the amount of \$14,445 from her taxes as a result of donating her three Allianz equity indexed annuities to NFOA.
 20. The activities described above constitute the offer and sale of 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").
 21. Section 12.F of the Illinois Securities Law of 1953, 815 ILCS 5/1 *et seq.*, ("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.
 22. By virtue of the foregoing, Respondents violated Section 12.F of the Act.
 23. Section 12.G of the Illinois Securities Law of 1953, 815 ILCS 5/1 *et seq.*, ("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 the light of the circumstances under which they were made, not misleading.
 24. By virtue of the foregoing, Respondents violated Section 12.G of the Act.
 25. Section 11.F(2) of the Illinois Securities Law of 1953, 815 ILCS 5/1 *et seq.*, ("the Act") provides, *inter alia*, that the Secretary of State may temporarily prohibit or suspend for a maximum period of 90 days, by an order effective immediately, the registration of a salesperson, if the Secretary of State shall in his or her opinion, based on credible evidence, deem it necessary to prevent an imminent violation of this Act or to prevent losses to investors which the Secretary of State reasonably believes will occur as a result of a prior violation of this Act.

NOW THEREFORE IT IS HEREBY ORDERED THAT; pursuant to the authority granted by Section 11.F of the Act, Respondent **Richard K. Olive** is **PROHIBITED** from offering or selling securities in or from this State until the further Order of the Secretary of State.

Temporary Order of Prohibition

4


NOW THEREFORE IT IS HEREBY ORDERED THAT: pursuant to the authority granted by Section 11.F of the Act, Respondent **Susan L. Olive** is **PROHIBITED** from offering or selling securities in or from this State until the further Order of the Secretary of State.

NOW THEREFORE IT IS HEREBY ORDERED THAT: pursuant to the authority granted by Section 11.F of the Act, Respondent **Kenny Marks** is **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 W. 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 and will extend the effectiveness of this Temporary Order for sixty 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 2nd day of November 2007


JESSE WHITE
Secretary of State
State of Illinois

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