

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

IN THE MATTER OF: MARCELLO ROJAS, & ROBERTO VALLEJO))))	FILE NO. 0300633
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TEMPORARY ORDER OF PROHIBITION

TO RESPONDENTS: **Marcello Rojas**
 1929 N. Hamlin
 Chicago, Illinois 60647

Roberto Vallejo
 1353 County Line Road
 Lee, Illinois 60530

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:

1. Respondent, Marcello A. Rojas, ("Rojas") is a natural person with a last known address of 1929 N. Hamlin, Chicago, Illinois 60647. Respondent Rojas conducts business out of an insurance company office located at 1920 S. Highland Avenue, #300, Lombard, Illinois 60148.

2. Respondent, Roberto J. Vallejo, ("Vallejo") is a natural person with a last known address of 1353 County Line Road, Lee, Illinois 60530. Respondent Vallejo conducts business out of an insurance company office located at 1920 S. Highland Avenue, #300, Lombard, Illinois 60148.

3. On or about June 2002, Respondent Rojas offered to Investor A, an Illinois resident, a five thousand dollar (\$5,000.00) "Special Investment." The purported "Special Investment" was a promissory note offering a 25% guaranteed return with a 6-month payout date.

4. On or about June 20, 2002, Respondent Vallejo sold to Investor A a five thousand dollar (\$5000.00) "Special Investment" and gave him a 6-month promissory note in exchange for a cashier's check made out to "Bob Vallejo/Legacy" in the

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amount of five thousand dollars (\$5000.00). The transaction took place at the insurance company office in Lombard, Illinois while Rojas was present.

5. Respondents gave Investor A to understand that the "Special Investment" was a mutual fund. Neither paperwork, nor stock certificates were given to Investor A.
6. Respondent Vallejo endorsed the cashier's check given to him by Investor A in paragraph 6 and cashed it.
7. When the 6-month payment of the promissory note was due, Respondents Rojas and Vallejo defaulted. Investor A has not received his principal, nor his interest.
8. Investor A called and complained to Respondent Rojas by telephone. Rojas told Investor A he should have received his money and that he would look into the payout.
9. Since that initial complaint, whenever Investor A attempted to contact Respondent Rojas, the call went to voicemail. Rojas never returned the calls.
10. The promissory note referenced in paragraphs 3, 4, 5, and 6 is a security as defined in Section 2.1 of the Illinois Securities Law of 1953 [815 ILCS 5/1 et seq.] (the "Act").
11. The activities described in paragraphs 3, 4, 5, and 6 constitutes the offer and sale of a security as those terms are defined in Sections 2.1, 2.5, and 2.5a of the Act.
12. Section 5 of the Act provides, inter alia, that all securities except those exempt under Section 3 or those offered or sold in transactions exempt under Section 4 shall be registered either by coordination or by qualification prior to their offer or sale in the State of Illinois.
13. Respondents failed to file with the Secretary of State an application for registration of the securities described above as required by the Act, and as a result, the security was not registered pursuant to Section 5 of the Act prior to its offer in the State of Illinois.
14. 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.
15. 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

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16. By virtue of the foregoing, Respondents Rojas and Vallejo have violated 12.A and 12.D of the Act.
17. At all relevant times, Respondents Rojas and Vallejo failed to disclose to Investor A the risks involved in the purchase of the “Special Investment” that could prevent payment of the stated interest payments and principal.
18. 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.
19. 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.
20. Section 12.I of the Act provides that it shall be a violation of the Act for any person to employ any devise, scheme or artifice to defraud in connection with the sale or purchase of any security, directly or indirectly.
21. By virtue of the foregoing, Respondents Rojas and Vallejo have violated 12.F, 12.G, and 12.I of the Act.
22. 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.

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23. The entry of this Temporary Order prohibiting Respondents from offering or selling securities in or from 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, Respondent Marcello Rojas and Respondent Roberto Vallejo are **PROHIBITED** from:

Offering or selling securities in or from the State of Illinois 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 Tina G. Stavrou, 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 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 6th day of June 2006.



JESSE WHITE
Secretary of State
State of Illinois

Attorney for the Secretary of State:

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