

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

**IN THE MATTER OF: AMERICA'S BEST  
FINANCIAL SERVICES, INC. AND  
RICHARD SCHOLL**

**File No. C0600400**

**TO THE RESPONDENTS:**            AMERICA'S BEST FINANCIAL SERVICES, INC.  
  Attn: Richard Scholl  
  203 McKinley Street  
  St. Charles, Illinois 60174

RICHARD SCHOLL  
203 McKinley Street  
St. Charles, Illinois 60174

**CONSENT ORDER**

WHEREAS, Respondents executed a certain Stipulation to Enter Consent Order (the "Stipulation"), which hereby is incorporated by reference herein.

WHEREAS, by means of the Stipulation, Respondents have admitted to the jurisdiction of the Secretary of State and service of the Notice of Hearing of the Secretary of State, Securities Department, dated June 20, 2010 in this proceeding (the "Notice") and Respondent has consented to the entry of this Consent Order ("Consent Order").

WHEREAS, by means of the Stipulation, the Respondents acknowledged, while neither admitting nor denying the truth thereof, that the following allegations contained in the Notice of Hearing shall be adopted as the Secretary of State's Findings of Fact:

- 1        Respondent, America's Best Financial Services, Inc. (hereinafter "ABFS" or collectively with (Richard Scholl "Respondents")) was an Illinois corporation. Its last known address is 1602 N. Mannheim Road, Stone Park, 60165.
2.       Respondent Richard Scholl (hereinafter "Scholl" or collectively with (ABFS "Respondents")) was the president of Respondent ABFS at all

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relevant times herein. His last known address is 203 McKinley Street, Saint Charles, Illinois 60174.

3. Complainants, Investor A, Investor B, Investor C, Investor D, Investor E and Investor F are residents of the State of Illinois.
4. Between April 2000 and August 2005, Respondents offered and sold to at least 6 Illinois investors promissory notes offering rates varying from that promised investors 24-120 percent rates of return per annum ("Notes" or "Note") and raising approximately \$179,011.71. In some cases, the investors were induced to roll over their notes into a new note on or before the date of maturity of their old note.
5. Between April 2000 and July 2005, on behalf of Respondent ABFS, Respondent Scholl offered to Investor A six (6) notes, which promised to pay 24-72 percent rates of return, per annum. In exchange, Investor A invested approximately \$62,500.00 with Respondents.
6. Between April 2000 and July 2005, on behalf of Respondent ABFS, Respondent Scholl offered to Investor B six (6) notes, which promised to pay 24-72 percent rates of return, per annum. In exchange, Investor B invested approximately \$62,500.00 with Respondents.
7. Between January 2004 and September 2004, on behalf of Respondent ABFS, Respondent Scholl offered to Investor C three (3) notes, which promised to pay 120 percent rate of return, per annum. In exchange, Investor C invested approximately \$17,500.00 with Respondents.
8. On or about July 13, 2004, on behalf of Respondent ABFS, Respondent Scholl sold a \$15,000.00 48% Note to Investor D. In exchange, Investor D gave Respondent Scholl, a check in the amount of \$15,000.00.
9. On or about July 13, 2004, on behalf of Respondent ABFS, Respondent Scholl sold a \$15,000.00 48% Note to Investor E. In exchange, Investor E gave Respondent Scholl, a check in the amount of \$15,000.00.
10. On or about August 23, 2005, on behalf of Respondent ABFS, Respondent Scholl sold a \$6,511.71 48% Note to Investor F. In exchange, Investor F gave Respondent Scholl, a check in the amount of \$6,511.71.
11. The activities set forth in paragraphs 1 through 10 above constitute the offer and sale of an investment contract, and therefore a security, as those terms are defined in Section 2.1, 2.5 and 2.5a of the Illinois Securities Law of 1953, 815 ILCS 5/1 *et seq*

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12. Section 12.A of the Illinois Securities Law of 1953, 815 ILCS 5/1 *et seq.*, (the "Act") states that it shall be a violation of the provisions of this Act for any person to "offer or sell any security except in accordance with the provisions of this Act."
13. Section 5 of the Act provides, *inter alia*, that all securities except those exempt under Section 3 of the Act or those offered and sold in transactions exempt under Section 4 of the Act shall be registered with the Secretary of State prior to their offer or sale in the State of Illinois
14. Section 12 D of the Illinois Securities Law of 1953, 815 ILCS 5/1 *et seq.*, states that it shall be a violation of the provisions of the Act for any person to "fail to file with the Secretary of State any application, report or document under the provisions of this Act or any rule or regulation made by the Secretary of State pursuant to this Act or to fail to comply with the terms of any order of the Secretary of State issued pursuant to Section 11 hereof "
15. Respondents failed to file an application for registration of the above-referenced securities with the Secretary of State and as a result, the securities were not registered pursuant to Section 5 of the Act prior to their offer and sale in the State of Illinois.

WHEREAS, by means of the Stipulation, the Respondent acknowledged, without admitting or denying the truth thereof, that the Secretary of State has adopted the following additional *Finding of Fact*:

1. That Section 11.E (4) of the Act provides that in addition to any other sanction or remedy contained in this subsection E, the Secretary of State, after finding that any provision of this Act has been violated, may impose a fine as provided by rule, regulation or order not to exceed \$10,000.00, for each violation of this Act, may issue an order of public censure against the violator, and may charge as costs of investigation all reasonable expenses, including attorney's fees and witness fees.

WHEREAS, by means of the Stipulation Respondents have acknowledged, while neither admitting or denying the truth thereof, that the following shall be adopted as the Secretary of State's *Conclusions of Law*:

- 1 Respondents Scholl and ABFS have violated Section 12.A and D, of the Illinois Securities Law of 1953 (815 ILCS 5/1 *et seq.*);

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2. Respondents Scholl and ABFS are subject to an order that permanently prohibits them from offering and/or selling securities in or from the State of Illinois, in accordance with Sections 11.E(2) and 11.F(1) of the Act;
3. Respondents Scholl and ABFS are potentially subject to a FINE pursuant to Section 11.E(4) of the Act.

WHEREAS, by means of Stipulation Respondents have acknowledged and agreed that Richard Scholl and America's Best Financial Services, Inc., his/its affiliates, employees, successors and assigns, shall be permanently prohibited from offering or selling securities in the State of Illinois.

WHEREAS, by means of the Stipulation, Respondents Richard Scholl and America's Best Financial Services, Inc. shall be fined, jointly and severally, for violation of the Act the amount of Seven Thousand Five Hundred dollars (\$7,500.00). Said fine shall be paid by certified or cashier's check, made payable to the Secretary of State, Securities Audit and Enforcement Fund, within 30 days of the entry of the aforesaid Consent Order.

WHEREAS, the Secretary of State, by and through his duly authorized representative, has determined that the matter related to the aforesaid formal hearing may be dismissed without further proceedings.

NOW THEREFORE IT SHALL BE AND IS HEREBY ORDERED THAT:

1. Respondent Richard Scholl and America's Best Financial Services, Inc. are permanently **PROHIBITED** from offering or selling securities to or from the State of Illinois.
2. Respondent Richard Scholl and America's Best Financial Services, Inc are fined, jointly and severally, for violation of the Act the amount of Seven Thousand Five Hundred Dollars (\$7,500.00), payable to the Office of the Secretary of State, Securities Audit and Enforcement Fund, within ten (30) days from the entry of the Consent Order.

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3. The Notice of Hearing issued in this matter is hereby dismissed. The formal hearing scheduled on this matter is hereby dismissed without further proceedings.

ENTERED: This 7<sup>th</sup> day of February 2011.

A handwritten signature in black ink that reads "Jesse White" in a cursive style, followed by a small flourish or mark.

JESSE WHITE  
Secretary of State  
State of Illinois