

STATE OF ILLINOIS
SECRETARY OF STATE
SECURITIES DEPARTMENT

IN THE MATTER OF: BRIAN TABIADON &
BARRIER PARTICLES AND COATINGS, INC.

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) FILE NO. 1000366
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its managers, officers, affiliates, subsidiaries, representatives,
successors, and assigns.

NOTICE OF HEARING

TO RESPONDENTS:

Brian Tabiaddon
1120 Sandstone Court
Aurora, Illinois 60502

Barrier Particles and Coatings, Inc.
2216 N. Geneva Terrace, Apartment 1-E
Chicago, Illinois 60614

You are hereby notified that pursuant to Section 11.E of the Illinois Securities law of 1953 [815 ILCS 5] (the "Act") and 14 Ill. Adm Code 130, Subpart K, a public hearing will be held at 69 W. Washington Street, Suite 1220, Chicago, Illinois 60602, on the 15th day of May, 2014, at the hour of 10:00 a.m , or as soon as possible thereafter, before, Canella Henrichs, or such duly designated Hearing Officer of the Secretary of State.

Said hearing will be held to determine whether a permanent order of Prohibition should be entered against Brian Tabiaddon and Barrier Particles and Coating, Inc. Imposition of fines not to exceed \$10,000 against the Respondents for each violation of the Act described below; entry of orders of public censure; and charging costs of the investigation and all reasonable expenses, including attorney's fees and witness fees, in accordance with Section 11.E(4) of the Act

The grounds for such proposed action are as follows:

INTRODUCTION

1. Respondent Brian Tabiaddon ("Tabiaddon") is a natural person with a last known address of 1120 Sandstone Court, Aurora, Illinois 60502
2. Respondent Barrier Particles and Coatings, Inc. ("Barrier Particles") was incorporated in the state of Illinois on September 17, 2007 and voluntarily dissolved on May 21, 2010 with a last known address of 2216 North Geneva Terrace, Apartment 1 E, Chicago, Illinois 60614.
3. Respondent Tabiaddon solicited at least one Illinois Investor to purchase ten shares of common stock in Respondent Barrier Particles in the amount of \$10,000.00.
4. On September 20, 2007, the Investor made a check payable to the order of Respondent Barrier Particles in the amount of \$4,300.00. The Respondent Tabiaddon endorsed the check as Brian Tabiaddon, President of Respondent Barrier Particles. The funds were deposited in the Payee Respondent Barrier Particles account at JP Morgan Chase Bank.
5. On October 3, 2007, the Investor made a second check payable to the order of Respondent Barrier Particles in the amount of \$5,700.00. The Respondent Tabiaddon endorsed the check as Brian Tabiaddon. The funds were deposited in the Payee Respondent Barrier Particles account at JP Morgan Chase Bank.
6. The total amount invested by the Investor was \$10,000 00.
7. Respondent Tabiaddon signed and mailed the Investor a stock certificate identifying the 10 shares he now owned in Respondent Barrier Particles.
8. Respondent Tabiaddon's activities described above involve the offer and sale of a stock certificate, therefore 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").

COUNT I

FAILURE TO REGISTER SECURITIES

1. Section 5 of the Act provides, *inter alia*, that "all securities except those set forth under Section 2a of this Act...or those exempt...shall be registered...prior to their offer or sale in this State.

- 2 Respondents Tabiadon and Barrier Particles failed to file an application with the Secretary of State to register the stock certificate as required by the Act, and as a result the stock certificate was not registered as such prior to their sale in the State of Illinois.
- 3 Section 12.A of the Act provides, *inter alia*, that it shall be a violation of the Act to offer or sell any security except in accordance with the provisions of the Act
4. By virtue of the foregoing, Respondents violated Section 12.A of the Act.
5. Section 12.D of the Act provides, *inter alia*, that it shall be a violation of the Act to fail to file with the Secretary of State any application, report or document required to be filed under the provisions of this Act or any rule or regulation made by the Secretary of State pursuant to the Act or to fail to comply with the terms of any order of the Secretary of State issued pursuant to Section 11 hereof
- 6 By virtue of the foregoing, Respondents violated Section 12.D of the Act
7. By virtue of the foregoing, Respondent Smith violated Sections 12.A and 12.D of the Act.

COUNT II

FAILURE TO RESPOND TO AN ILLINOIS SECURITIES DEPARTMENT

SUBPOENA DUCES TECUM and SUBPOENA AD TESTIFICANDUM

- 9 On June 6, 2011, the Department issued a Subpoena Duces Tecum and a Subpoena Ad Testificandum to Respondent Tabiadon in the matter of File No. 10-00366. A copy was sent to Respondent Tabiadon's last known address at 1120 Sandstone Court, Aurora, Illinois 60502
10. Attached to the Subpoena was a "Schedule A" listing the documents or information to be produced.
- 11 The due date for the Subpoena Duces Tecum was July 6, 2011.
- 12 The due date for the Subpoena Ad Testificandum was July 8, 2011.
- 13 Respondent Tabiadon failed to comply with the Subpoena Duces Tecum and provide the Department with the requested documents or information on July 6, 2011 or any time thereafter

14. Respondent Tabiaddon failed to comply with the Subpoena Ad Testificandum and appear at the offices of the Illinois Securities Department, Secretary of State on July 8, 2011 or any time thereafter
15. The Subpoenas were issued pursuant to Section 11 D(1) of the Illinois Securities law of 1953 (815 ILCS 5/1 et. seq) (the "Act").
16. Section 11.D of the Act states, inter alia, that the Secretary of State or a person designated by him or her may require by subpoena the production of any books and records, papers, or other documents which the Secretary of State or a person designated by him or her deems relevant or material to the inquiry.
17. The Respondents Tabiaddon failed to produce all of the documents requested by the due date, or any day thereafter, that were subpoenaed by the Department pursuant to the authority granted under Section 11.D(1) of the Act.
18. The Respondents Tabiaddon failed to appear at the scheduled due date, or any day thereafter, that were subpoenaed to appear by the Department pursuant to the authority granted under Section 11.D(1) of the Act.
19. By virtue of the foregoing, Respondent Tabiaddon's failure to respond and to appear to the Subpoena by the due date impeded designees of the Secretary of State from conducting an investigation under Section 11 D (1) of the Act.

You are further notified that you are required pursuant to Section 130.1104 of the Rules and Regulations (14 Ill. Adm. Code 130) ("the rules"), to file an answer to the *allegations outlined above within thirty (30) days of the receipt of this notice*. The answer and all other pleadings and motions must be filed with the Illinois Securities Department by addressing them to:

Maria Pavone
Enforcement Attorney
Illinois Department of Securities
69 West Washington, Suite 1220
Chicago, Illinois 60602

A failure to file an answer within the prescribed time shall be construed as an admission of the allegations contained in the Notice of Hearing and waives your right to a hearing. Furthermore, you may be represented by legal counsel, may present evidence, may cross-examine witnesses and otherwise participate. A failure to appear

shall constitute default. Unless the Respondent has upon due notice moved for and obtained a continuance. The Rules promulgated under the Act and pertaining to Hearings held by the office of the Secretary of State, Securities Department may be viewed online at <http://www.cyberdriveillinois.com/departments/lawrules.html>. Delivery of Notice to the designated representative of any Respondent constitutes service upon such Respondent.

Dated. This 18th day of March 2014.



JESSE WHITE
Secretary of State
State of Illinois

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Hearing Officer:
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