

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

IN THE MATTER OF:)

DENNIS E. KAGEL, an individual.)

File No. 1300300)

SUMMARY ORDER OF DENIAL

TO THE RESPONDENT:

**Horter Investment Management, LLC (CRD # 119880)
8316 Cornell Road
Cincinnati, Ohio 45249**

**Dennis E. Kagel (CRD # 735448)
5 Bent Court
Bloomington, IL 61704**

**Dennis E. Kagel
321 Susan Drive, Suite A
Normal, Illinois 61761**

**c/o Attorney James Martinkus
Erwin, Martinkus & Cole, Ltd.
411 West University Avenue
Champaign, IL 61820**

WHEREAS, on February 18, 2014, *Horter Investment Management, LLC*, a federal covered investment adviser, filed a Form U4 application for registration of Dennis Eugene Kagel (the "Respondent") as an investment adviser representative in the State of Illinois.

WHEREAS, pursuant to the authority granted under Sections 8 and 11.F of the Illinois Securities Law of 1953 [815 ILCS 5 *et seq.*] (henceforth the "Act"), the Secretary of State has determined that Respondent's application (henceforth "Application") for registration as an investment adviser representative in the State of Illinois is subject to a Summary Order of Denial;

Summary Order of Denial

WHEREAS, the Secretary of State finds that the grounds for such Summary Order of Denial are as follows:

1. That the administration of the Act, including registration of an investment adviser representative in the State of Illinois, is vested in the Secretary of State pursuant to Sections 8 and 11 of the Act.
2. That Section 8.E (1)(b) of the Act provides, *inter alia*, subject to the provisions of Section 11.F of the Act, that the registration of an investment adviser representative may be denied, suspended or revoked if the Secretary of State finds that the investment adviser representative has engaged in any unethical practice in connection with any security, the offer or sale of securities, or in any fraudulent business practice.
3. That the Respondent is responsible for an advertisement that contained misleading representations in connection with an investment vehicle. Specifically, the advertisement described a product with a guaranteed 9.1 % First Year Yield. The advertisement omitted that the 9.1 % yield was actually comprised of a 1.1% annual return plus an 8.0 % one-time payment, which could be forfeited upon withdrawal of funds prior to the 14-year vesting period. *A copy of the advertisement is attached as Exhibit A.*
4. The advertisement ran on a monthly basis between February 2013 and August 2013 in the Bloomington/Normal *News & Views*, a newspaper that holds itself out as "Dedicated to the Active Fifty and Older Generation."
5. That by virtue of the foregoing, the Respondent's registration as an investment adviser representative in the State of Illinois is subject to denial, pursuant to Sections 8.E (1)(b) and 8.E.1(g) of the Act.

NOW IT IS HEREBY ORDERED THAT:

The Respondent's application for registration as an investment adviser representative in the State of Illinois is DENIED, subject to the further Order of the Secretary of State.

The Respondent may request a hearing on this matter, pursuant to Section 11.F.4 of the Act, by filing a written request for a hearing with the Secretary of State at 300 W. Jefferson Street, Suite 300A, Springfield, Illinois 62702. Any request for a hearing in this matter must be made in writing within thirty (30) days of the Respondent's receipt of this Order. Any such hearing will be held at the aforesaid address before a Hearing Officer duly designated by the Secretary of State.


YOUR FAILURE TO REQUEST A HEARING WITHIN THIRTY (30) DAYS AFTER RECEIPT OF THIS ORDER SHALL CONSTITUTE AN ADMISSION OF ANY FACTS ALLEGED HEREIN AND SHALL CONSTITUTE A SUFFICIENT BASIS TO MAKE THIS ORDER FINAL.

Summary Order of Denial

You are further notified that if you request a hearing you may be represented by legal counsel, may present evidence, may cross-examine witnesses and otherwise participate. Failure to so appear shall constitute default unless any Respondent has upon due notice moved for and obtained a continuance.

Delivery of this Order or any subsequent notice to the designated representative of any Respondent constitutes service upon such Respondent.

Dated: This 11th day of Aug, 2014.



JESSE WHITE
Secretary of State
State of Illinois

Attorneys for the Secretary of State:

Jane M. Bunten
Office of the Secretary of State
Illinois Securities Department
300 W. Jefferson Street, Suite 300A
Springfield, Illinois 62702
Telephone: (217) 782-2256

James Nix
Office of the Secretary of State
Illinois Securities Department
69 West Washington Street, Suite 1220
Chicago, Illinois 60602
Telephone: (312) 793-9620