

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

**IN THE MATTER OF: BRANT RUSHTON;
MELISSA RUSHTON AND
SUMMIT TRADING & CAPITAL, LLC**

File No. C1100459

ORDER OF PROHIBITION

TO THE RESPONDENTS: SUMMIT TRADING & CAPITAL, LLC
c/o Brant Rushton (#18012-026)
FCI TERRE HAUTE
Federal Correctional Institution
P. O. Box 33
Terre Haute, IN 47808

BRANT RUSHTON (#18012-026)
FCI TERRE HAUTE
Federal Correctional Institution
P. O. Box 33
Terre Haute, IN 47808

MELISSA RUSHTON
118 Hillcrest Street
Gridley, Illinois 61744

MELISSA RUSHTON
703 Dover Place
Champaign, Illinois 61820

WHEREAS, a Temporary Order of Prohibition was issued by the Secretary of State on April 19, 2012 temporarily prohibiting Respondents from offering or selling securities in the State of Illinois until further order of the Secretary of State.

WHEREAS, pursuant to Section 11.F of the Illinois Securities Law of 1953 [815 ILCS 5] (the "Act"), the failure to request a hearing within thirty (30) calendar days of the entry of a Temporary Order shall constitute an admission of any facts alleged therein and constitute a sufficient basis to make the Temporary Order final.

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WHEREAS, Respondents have failed to request a hearing on the matters contained in the said Temporary Order within thirty (30) calendar days of the entry of said Temporary Order and Respondents are hereby deemed to have admitted the facts alleged in the said Temporary Order.

WHEREAS, the Secretary of State, by and through his duty authorized representatives, has adopted the Findings of Fact contained in the said Temporary Order as the Secretary of State's Final Findings of Fact as follows:

1. Summit Trading & Capital LLC ("Respondent Summit" or collectively with Respondents B. Rushton and M. Rushton, "Respondents") is a dissolved Illinois limited liability company. Its last known address is 2755 NW Champion Circle, Bend, Oregon 37701. On July 9, 2010, Respondent Summit was involuntarily dissolved by the Illinois Secretary of State. Brant Rushton and Melissa Rushton are listed as its sole members.
2. Brant Rushton ("Respondent B. Rushton" or collectively with Respondents Summit and M. Rushton, "Respondents") was a manager of Respondent Summit at all relevant times herein. His last known address is 2755 NW Champion Circle, Bend, Oregon 37701.
3. Melissa Rushton ("Respondent M. Rushton" or collectively with Respondents Summit and B. Rushton, "Respondents") was a manager of Respondent Summit at all relevant times herein. Her last known address is 2755 NW Champion Circle, Bend, Oregon 37701.
4. Complainant is a resident of Illinois.
5. That in the Summer of 2006, Complainant met with Respondent B. Rushton at a restaurant in Bloomington, Illinois. At this meeting, Respondent B. Rushton explained the trading program and different accounts Respondent Summit offered which included a "Dow-Mini account", an "S&P 500 account" and a "Swing account."
6. At this meeting, Respondent B. Rushton solicited Complainant to invest in these commodity pools managed by Respondent B. Rushton.
7. Subsequent to the meeting, Respondent B. Rushton provided Complainant with two "prospectus" for a "Fully Managed Intra-day S&P 500 Account" and a "Fully Managed Multi-day Swing Account".
8. According to Respondent Summit's prospectuses, Complainant's funds would be traded exclusively by Respondent B. Rushton and would be "mirrors of trades taken by Brant Rushton in his personal account."

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9. From November 2006 through July 2010, anywhere between \$364,750.00 and \$531,000.00 of Complainant's funds were deposited into multiple bank account(s) of the Respondents.
10. From December 2006 through March 2011, Complainant received monthly statements from Respondents indicating Complainant's account was earning a profit each month.
11. In March 2001, Respondents mailed statements to Complainant indicating his trading accounts with Respondent Summit were worth approximately \$803,882.11.
12. In March 2011, despite Complainant requesting redemption of a portion of his account, Respondents never sent the payment to Complainant as requested.
13. In May 2011, Complainant was informed by Respondent B. Rushton that only approximately \$70,000.00 of all investors' funds remained due to trading losses incurred by Respondent Summit.
14. Additionally, Respondent B. Rushton informed Complainant that his accounts were never worth the approximate \$800,000.00 as indicated in the March 2011 statements.
15. According to Complainant, Respondent B. Rushton informed him that some of his funds were used to pay other investors and for the personal benefit of Respondent Rushton.
16. The activities set forth in paragraphs above constitute the offer and sale of Notes and stock, and therefore are securities, 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.*
17. 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."
18. 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.
19. Section 12.D of the Act, 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.

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20. 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.
21. By virtue of the foregoing, Respondents violated Sections 12.A and 12.D of the Act.
22. Section 12.F of the Act states that it shall be a violation of the provisions 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."
23. Section 12.G of the Act, states that it shall be a violation of the provisions 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."
24. Section 12.I of the Act states that it shall be a violation of the provisions of the Act for any person to "employ any device, scheme or artifice to defraud in connection with the sale or purchase of any security, directly or indirectly."
25. By virtue of the foregoing, Respondents violated Sections 12.F, G and I of the Act.

WHEREAS, the Secretary of State, by and through his duly authorized representative, has adopted the Conclusions of Law contained in the said Temporary Order as the Secretary of State's final Conclusions of Law as follows:

1. That by virtue of the foregoing, the Respondents Summit Trading & Capital LLC, Brant Rushton and Melissa Rushton have violated Sections 12.A, 12.D, 12.F, 12.G, and 12.I of the Act; and
2. That by virtue of the foregoing, the Respondents Summit Trading & Capital LLC, Brant Rushton and Melissa Rushton are subject, pursuant to Section 11.F of the Act, to an Order which permanently prohibits them from offering or selling securities in the State of Illinois.

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NOW THEREFORE, IT IS HEREBY ORDERED THAT: pursuant to the authority granted by Section 11.F of the Act, Respondents **Summit Trading & Capital LLC, Brant Rushton and Melissa Rushton** are hereby prohibited from offering or selling securities in the State of Illinois until further order of the Secretary of State.

ENTERED: This 26th day of March 2015.

A handwritten signature in black ink that reads "Jesse White". To the right of the signature is a small, stylized circular mark or stamp.

JESSE WHITE
Secretary of State
State of Illinois

NOTICE: Failure to comply with the terms of this Order shall be a violation of the Section 12.D of the Act. Any person or entity who fails to comply with the terms of this Order of the Secretary of State, having knowledge of the existence of the Order, shall be guilty of a Class 4 felony.

This is a final order subject to administrative review pursuant to the Administrative Review Law, [735 ILCS 5/3-101 et seq.] and the Rules and Regulations of the Illinois Securities Act, [14 Ill. Admin. Code Ch. I, Section 130.1123]. Any action for Judicial Review must be commenced within thirty-five (35) days from the date a copy of this Order is served upon the party seeking review.

Attorney for the Secretary of State:
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