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STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF CORPORATIONS

TO: Daniel I. Higgins
4545 Shawn Lane
Vacaville, CA 95688

DESIST AND REFRAIN ORDER

(For violations of sections 25210 and 25401 of the Corporations Code)

The California Corporations Commissioner finds that:

1. Daniel I. Higgins possessing no certificate as a broker-dealer or agent offered and sold to a resident of California securities in the form of viaticals issued by The Alpha Capital Group, LLC by means of oral communications containing false statements or omissions of material fact.
2. Beginning in September 1998, Daniel I. Higgins offered and sold securities in the form of viaticals issued by The Alpha Capital Group, LLC to 11 investors over a four-month period in 13 separate transactions. The dates on which sales occurred were September 23, 1998, September 29, 1998, October 2, 1998, October 16, 1998, October 17, 1998, October 20, 1998, October 21, 1998, November 3, 1998, November 6, 1998, November 11, 1998, December 3, 1998, and December 11, 1998.
3. Daniel I. Higgins told at least one investor that there were no risks and that the investment would double in 18-24 months. In fact, there were risks and the investor may not see the return of the principal amount invested.

Based upon the foregoing findings, the California Corporations Commissioner is of the opinion that Daniel I. Higgins has effected transactions in securities as a broker-dealer without first having applied for and secured from the Commissioner a certificate, then in effect, authorizing him to act in that capacity, in violation of section 25210 of the Corporate Securities Law of 1968. Pursuant to Section 25532 of the Corporate Securities Law of

1 1968, Daniel I. Higgins is hereby ordered to **DESIST and REFRAIN** from effecting any
2 transaction in, or inducing or attempting to induce the purchase or sale of, any security in
3 this state, unless and until he has applied for and secured from the Commissioner a
4 certificate, then in effect, authorizing him to act in that capacity.

5 Further, Daniel I. Higgins offered and sold the security of The Alpha Capital Group,
6 LLC in this State by means of written or oral communications which included untrue
7 statements of a material fact or omitted to state a material fact necessary in order to make
8 the statements made, in light of the circumstances under which they were made, not
9 misleading, in violation of section 25401 of the Corporate Securities Law of 1968. Pursuant
10 to Section 25532 of the Corporate Securities Law of 1968, Daniel I. Higgins is hereby
11 ordered to **DESIST and REFRAIN** from offering and selling any security in the State of
12 California, including but not limited to, by means of any written or oral communication which
13 includes an untrue statement of a material fact or omits to state a material fact necessary in
14 order to make the statements made, in light of the circumstances under which they were
15 made not misleading.

16 This Order is necessary, in the public interest, for the protection of investors and
17 consistent with the purposes, policies, and provisions of the Corporate Securities Law of
18 1968.

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20 Dated: December 24, 2002

21 Sacramento, California

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DEMETRIOS A. BOUTRIS
California Corporations Commissioner

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By _____
VIRGINIA JO DUNLAP
Supervising Counsel
Enforcement and Legal Services

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