

1 DEMETRIOS A. BOUTRIS
California Corporations Commissioner

2 VIRGINIA JO DUNLAP (142221)
3 Deputy Commissioner
4 KAREN L. PATTERSON (92445)
Senior Corporations Counsel
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Sacramento, California 95814
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7 Attorneys for Complainant

8 BEFORE THE DEPARTMENT OF CORPORATIONS
9 OF THE STATE OF CALIFORNIA

10 In the Matter of the) OAH No. 2003100469
11 DESIST AND REFRAIN ORDER) AGENCY CASE No. 38300
12 Issued To:)
13) CONSENT ORDER
14 Merchant Capital, LLC; Kurt V. Beasley;)
Steven Charles Wyer,)
15 Respondents.)

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20 On September 27, 2002, the Commissioner of Corporations issued an order to
21 Respondents Merchant Capital, LLC, Kurt V. Beasley, Steven Charles Wyer, James Mead,
22 Robert Lane Salamone, Retirement Accounts, Inc., Jeffrey D. Mitchell finding that they had
23 engaged in violations of the Corporate Securities Act of 1968 and ordering them to desist
24 and refrain from further violations of Corporations Code sections 25110, 25210 and 25401.
25 On September 25, 2003, Respondents Merchant Capital, LLC, Kurt V. Beasley and Steven
26 Charles Wyer filed a timely written request for a hearing pursuant to Corporations Code
27 section 25532(d).

28 The Commissioner of Corporations and Respondents Merchant Capital, LLC, Kurt V.

1 Beasley and Steven Charles Wyer do hereby agree to this Consent Order in settlement of
2 this matter. Respondents Merchant Capital, LLC, Kurt V. Beasley and Steven Charles Wyer
3 neither admit nor deny the findings set forth in the desist and refrain order dated September
4 27, 2002, which are hereby incorporated by reference into this Consent Order.
5

6 **CONSENT ORDER**

7 Based upon the foregoing,

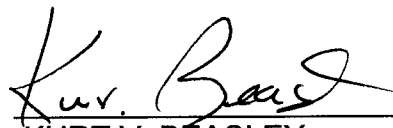
8 IT IS AGREED AND ORDERED that Merchant Capital, LLC, Kurt V. Beasley and
9 Steven Charles Wyer are hereby ordered to desist and refrain from the further offer or sale
10 in the State of California of securities in the form of investments in Evergreen High Yield
11 RLLPs unless and until qualification has been made under the Corporate Securities Law of
12 1968 or until evidence is offered pursuant to Corporations Code section 25163 to establish
13 that the offer or sale of such securities is exempt from the qualification requirement.
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15 It is further agreed that the Commissioner has jurisdiction to enter this Consent
16 Order. Respondents' agreement to jurisdiction extends to this proceeding only.
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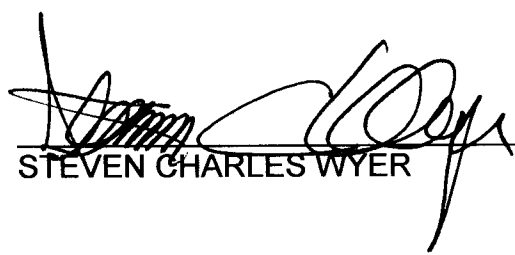
18 In consideration of this Consent Order, Respondents Merchant Capital, LLC, Kurt V.
19 Beasley and Steve Charles Wyer waive their right to a hearing on this matter and to judicial
20 review of this matter pursuant to Code of Civil Procedure section 1094.5. The
21 Commissioner hereby vacates the desist and refrain order dated September 27, 2002 as to
22 Respondents Merchant Capital, LLC, Kurt V. Beasley and Steve Charles Wyer only, except
23 to the extent that its findings have been incorporated by reference into this Consent Order.
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Dated: November 18, 2003

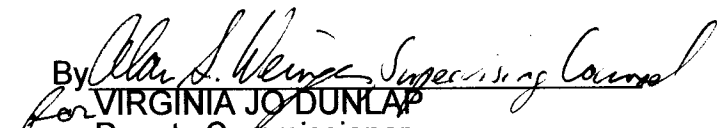

KURT V. BEASLEY

Dated: November 18, 2003


STEVEN CHARLES WYER

Dated: November 26, 2003
Sacramento, California

DEMETRIOS A. BOUTRIS
California Corporations Commissioner

By 
for VIRGINIA JO DUNLAP
Deputy Commissioner
Enforcement and Legal Services