State of California - Department of Corporations

STATE OF CALIFORNIA

BUSINESS, TRANSPORTATION AND HOUSING AGENCY

DEPARTMENT OF CORPORATIONS

TO: Lissa McMahel, dba Best Blinds
7306 Van Claybon Drive
Apex, North Carolina 27523

DESIST AND REFRAIN ORDER
(For violations of Section 31110 of the Corporations Code)

The California Corporations Commissioner finds that:

1. At all relevant times Lissa McMahel, dba Best Blinds ("Best Blinds"), was purportedly in the business of selling window coverings.

2. At all relevant times, Best Blinds conducted business at 7306 VanClaybon Drive, Apex, North Carolina 27523 and/or 1322 N. Main Street, #121, Fuquay Varina, North Carolina 27526.

3. Since on or about February 28, 2007, Best Blinds has been conducting business as Best Blinds Franchising, Inc., a North Carolina corporation, located at 10139 Division Drive, Raleigh, North Carolina 27603. Best Blinds Franchising, Inc. maintains a website at www.bestblindsfranchise.com.

4. In or about February 2005, Best Blinds entered into an agreement with a California resident to establish a window covering business. Pursuant to this agreement entitled, "Best Blinds Training & Territory Agreement," Best Blinds granted the franchisee the right to engage in the operation of a window covering business. The franchisee is entitled, among other things, to use the Best Blinds trade name to run his business. In addition, the franchisee was allowed to participate in a one-week training program, and was provided with unlimited and on-going training and support, a training manual, and marketing materials. Also, the franchisee was provided with a sample kit, a website template, order forms, business cards, magnetic vehicle signage, and logo shirts. Furthermore, the franchisee paid a fee of at least $35,000.00.

5. This agreement constitutes a franchise as defined by Corporations Code section 31005.

6. This franchise was offered or sold in this state.

7. The Department of Corporations has not issued a registration to Lissa McMahel, dba Best Blinds for the offer or sale of any franchise in this state. Additionally, the offer or sale of any franchise of Best Blinds is not exempt from registration.

Based upon the foregoing findings, the California Corporations Commissioner is of the opinion that Lissa McMahel, dba Best Blinds, has offered a Best Blinds franchise in California that is subject to registration under the Franchise Investment Law, in violation of Corporations Code section 31110. Pursuant to section 31402 of the Corporations Code, Lissa McMahel, dba Best Blinds, is hereby ordered to desist and refrain from the further offer or sale of Best Blinds franchises unless and until the offer has been duly registered under the Franchise Investment Law or unless exempt. This Order is necessary, in the public interest, for the protection of franchisees and consistent with the purposes, policies, and provisions of the Franchise Investment Law.

Dated: August 8, 2008
Los Angeles, California

PRESTON DuFAUCHARD
California Corporations Commissioner

By_____
ALAN S. WEINGER
Acting Deputy Commissioner
Enforcement Division

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