

1 residents for money to purportedly invest in foreign currency, or binary options, trading for a profit.
2 Marchand, Nevis Holdings, LLC and Profits With Binary Options solicited California residents
3 through such means as advertisements on craigslist entitled: "I CAN GET ANY PERSON AN
4 "AMERICAN EXPRESS CENTURION BLACK CARD" FAST!" After California residents
5 responded to the craigslist advertisements, Marchand, Nevis Holdings, LLC and Profits With Binary
6 Options solicited California residents for money to purportedly invest in foreign currency, or binary
7 options, trading. Marchand, Nevis Holdings, LLC and Profits With Binary Options represented that
8 they engaged in trading binary options on behalf of others for a fee and that Marchand, Nevis
9 Holdings, LLC and Profits With Binary Options could make money for the California residents by
10 trading binary options. In doing so, Marchand, Nevis Holdings, LLC and Profits With Binary Options
11 acted as commodity merchants as defined by California Corporations Code section 29509.

12 3. At all relevant times, Marchand, Nevis Holdings, LLC and Profits With Binary
13 Options were not registered or licensed to engage in the trade or business of or otherwise act as
14 commodity merchants. Further, Marchand, Nevis Holdings, LLC and Profits With Binary Options
15 were not exempt from the registration requirements for a commodity merchant.

16 4. In connection with these solicitations, offers, and sales, Marchand, Nevis Holdings,
17 LLC, and Profits With Binary Options made untrue statements of material fact or omitted to state
18 material facts necessary in order to make the statements made, in the light of the circumstances under
19 which they were made, not misleading:

20 a. In April 1995, Marchand was charged with violating section 1871.4 of the
21 California Insurance Code (False Workers Compensation Insurance Claim) and section 148.5(a) of
22 the California Penal Code (False Report of Criminal Offense). Marchand pled guilty to and was
23 convicted of both these violations.

24 b. In August 2000, Marchand had his real estate license revoked by the California
25 Department of Real Estate for failure to disclose his April 1995 convictions, of section 1871.4 of the
26 California Insurance Code and section 148.5(a) of the California Penal Code, on his application for a
27 real estate license.

28 c. In April 2009, Marchand was charged with violating section 487(a) of the

1 Penal Code (Grand Theft), section 484(a)-488 of the Penal Code (Petty Theft), section 6126(a) of the
2 Business and Professions Code (Unauthorized Practice of Law), section 10130 of the Business and
3 Professions Code (Engage in Business as Real Estate Broker without License), and section
4 594(a)/(b)(1) of the Penal Code (Vandalism). In June 2009, Marchand pled guilty to and was
5 convicted of violating section 6126(a) of the Business and Professions Code (Unauthorized Practice
6 of Law) and section 10130 of the Business and Professions Code (Engage in Business as Real Estate
7 Broker without License).

8 Based upon the foregoing findings, the California Commissioner of Business Oversight is of
9 the opinion that Stephane Roger Marchand, also known as, Steve, Steven or Roger Marchand, Nevis
10 Holdings, LLC and Profits With Binary Options engaged in a trade or business or otherwise acted as
11 commodity merchants without being registered, licensed or exempt in violation of section 29535 of the
12 California Commodity Law of 1990 (California Corporations Code section 29500 et seq.) Pursuant to
13 section 29542 of the California Commodity Law of 1990, Stephane Roger Marchand, also known as,
14 Steve, Steven or Roger Marchand, Nevis Holdings, LLC and Profits With Binary Options are hereby
15 ordered to desist and refrain from purchasing or selling, offering to sell or to purchase, offering to
16 enter into, or entering into a commodity, commodity contract or commodity option in the State of
17 California, including but not limited to trading in foreign currency, unless registered or licensed as a
18 commodity merchant with the Commodity Futures Trading Commission, unless exempt.

19 Further, the California Commissioner of Business Oversight is of the opinion that Stephane
20 Roger Marchand, also known as, Steve, Steven or Roger Marchand, Nevis Holdings, LLC and Profits
21 With Binary Options willfully made untrue statements of material fact and omitted to state material
22 facts necessary in order to make the statements made, in light of the circumstances under which they
23 were made, not misleading in violation of section 29536 of the California Commodity Law of 1990.
24 Pursuant to section 29542 of the California Commodity Law of 1990 Stephane Roger Marchand, also
25 known as, Steve, Steven or Roger Marchand, Nevis Holdings, LLC and Profits With Binary Options
26 are hereby ordered to desist and refrain from purchasing or selling, offering to sell or to purchase,
27 offering to enter into, or entering into a commodity, commodity contract or commodity option in the
28 State of California, including but not limited to trading in foreign currency, or binary options, by

1 making any untrue statement of a material fact, or omitting to state a material fact necessary in order to
2 make statements made, in light of the circumstances under which they were made, not misleading.

3 This Order is necessary, in the public interest, for the protection of investors and consistent
4 with the purposes, policies, and provisions of the California Commodity Law of 1990.

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6 Dated: September 18, 2014
7 San Diego, California

JAN LYNN OWEN
Commissioner of Business Oversight

8
9 By _____
10 MARY ANN SMITH
11 Deputy Commissioner
12 Enforcement Division
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