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2 **STATE OF CALIFORNIA**
3 **BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY**
4 **DEPARTMENT OF BUSINESS OVERSIGHT**

5 TO: Image Development, Inc.
6 Image Development Properties & Management, LLC
7 Nathaniel David Gardner
8 Chad Maurice Mariluch
9 43390 Business Park Drive
10 Temecula, California 92590

11 Marc Scott Sarner
12 41120 Elm Street, Suite H102
13 Murrieta, California 92562

14 **DESIST AND REFRAIN ORDER**

15 **(For violations of section 25401 of the Corporations Code)**

16 The Commissioner of Business Oversight (Commissioner) finds:

- 17 1. At all relevant times, Image Development, Inc. is or was a California corporation formed in
18 January 2005 with its principal place of business located at 43390 Business Park Drive, Temecula,
19 California 92590 and its agent for service located at 25239 Via Pera, Murrieta, California 92563.
- 20 2. At all relevant times, Image Development Properties & Management, LLC was a California
21 limited liability company formed in November 2009 with its principal place of business and agent for
22 service both located at 43390 Business Park Drive, Suite 101, Temecula, California 92590.
- 23 3. At all relevant times, Nathaniel David Gardner (Gardner) was the Chief Executive Officer and
24 President of Image Development, Inc. and the Manager of Image Development Properties &
25 Management, LLC (collectively, Image Development).
- 26 4. At all relevant times, Chad Maurice Mariluch (Mariluch) was the Vice President of
27 Operations for Image Development.
- 28 5. At all relevant times, Marc Scott Sarner (Sarner) was a California-licensed insurance agent
doing business as Northern California Asset Protection Insurance Services with a principal place of
business located at 41120 Elm Street, Suite H102, Murrieta, California 92562.

1 6. During the period of February 25, 2008 through August 22, 2011, Sarner was also a
2 California-registered investment adviser representative (CRD# 4567083) and owner of Beacon
3 Financial Advisory Services, Inc. (CRD# 146292), with a principal business address of 41120 Elm
4 Street, Suite H102, Murrieta, California 92562.

5 7. Starting in or about January 2009, Image Development sold securities in this state in the form
6 of debentures at the subscription price of \$10,000 per unit. According to the Image Development
7 offering materials, investor money would fund the purchase and resell of “distressed properties in
8 prime locations” for a “qualified IRR [internal rate of return] of a minimum of thirty percent.”

9 8. In the 2009 Image Development “Investor Information Booklet,” Sarner is identified as a
10 member of the management team responsible for “Corporate Financial Development” and “sales and
11 marketing.”

12 9. During the period of February 2009 through November 2009, Sarner convinced eight of his
13 insurance and/or advisory clients to purchase Image Development debentures totaling at least
14 \$465,000.00. Promising that the debentures were a conservative investment that would yield higher
15 returns, Sarner urged clients to obtain purchase funds by cashing out annuities, subjecting them to
16 significant surrender penalties and taxes.

17 10. The Commissioner finds that in connection with the offers and/or sales of these securities,
18 Image Development, Gardner, Mariluch, and Sarner made untrue statements of material fact or
19 omitted to state material facts necessary to make the statements made, in the light of the
20 circumstances under which they were made, not misleading, including the following:

21 (a) Due to delinquent tax obligations, the corporate status of Image Development, Inc. was
22 suspended/forfeited by the California Secretary of State on April 1, 2009;

23 (b) In August 2004, Image Development’s CEO and President, Gardner, had discharged his
24 personal debts through Chapter 7 bankruptcy;

25 (c) Sarner was a member of the Image Development management team and would receive a
26 7% “referral fee” for all capital received through sales of shares in Image Development as well as
27 participation in profits;

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1 (d) The debenture certificates issued by Image Development only provided interest at an
2 annual rate of one tenth of one percent (0.001%) although investors were guaranteed payment at
3 higher rates; and,

4 (e) Investors were promised return of their capital investments plus interest within 12 months,
5 and this did not occur.

6 11. Based on the foregoing findings, the Commissioner of Business Oversight is of the opinion
7 that the securities of Image Development were offered or sold in this state by means of written or oral
8 communications which included an untrue statement of a material fact or omitted to state a material
9 fact necessary in order to make the statements made, in the light of the circumstances under which
10 they were made, not misleading, in violation of section 25401, subdivision (b).

11 Pursuant to section 25532, subdivision (c), of the Corporate Securities Law of 1968, Image
12 Development, Inc., Image Development Properties & Management, LLC, Nathaniel David Gardner,
13 Chad Maurice Mariluch, and Marc Scott Sarner are hereby ordered to desist and refrain from offering
14 or selling or buying or offering to buy any security in the State of California, including but not
15 limited to debentures, by means of any written or oral communication which includes an untrue
16 statement of a material fact or omits to state a material fact necessary in order to make the statements
17 made, in the light of the circumstances under which they were made, not misleading.

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

20 Dated: December 16, 2015
21 Sacramento, California



22 JAN LYNN OWEN
23 Commissioner of Business Oversight

24 By _____
25 MARY ANN SMITH
26 Deputy Commissioner
27 Enforcement Division
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