

1 PRESTON DuFAUCHARD  
California Corporations Commissioner  
2 ALAN S. WEINGER (CA BAR NO. 86717)  
Deputy Commissioner  
3 MICHELLE LIPTON (CA BAR NO. 178078)  
Senior Corporations Counsel  
4 Department of Corporations  
320 West 4<sup>th</sup> Street, Suite 750  
5 Los Angeles, CA 90013  
Telephone: (213) 576-7591 Fax: (213) 576-7181  
6

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

10 In the Matter of THE CALIFORNIA ) FILE NO. ALPHA  
11 CORPORATIONS COMMISSIONER, )  
12 Complainant, ) OAH Case NO.:  
13 vs. ) STIPULATION TO DESIST AND REFRAIN  
14 KYLE HARA, ) ORDER THAT KYLE HARA DESIST AND  
15 Respondent. ) REFRAIN FROM ENGAGING IN  
16 ) UNLICENSED INVESTMENT ADVISER  
17 ) ACTIVITY IN VIOLATION OF  
18 ) CORPORATIONS CODE SECTION 25230  
19 )  
20 )  
21 )  
22 )  
23 )

24 IT IS HEREBY STIPULATED BY AND BETWEEN RESPONDENT KYLE  
25 (“RESPONDENT”), AND PRESTON DuFAUCHARD, THE CALIFORNIA CORPORATIONS  
26 COMMISSIONER (COMMISSIONER), AS FOLLOWS:

27 WHEREAS, on June 9, 2009, the COMMISSIONER issued a Desist and Refrain Order  
28 against RESPONDENT for: 1) engaging in unlicensed investment adviser activity that was in the

1 opinion of the COMMISSIONER in violation of Corporations Code section 25230. Attached hereto  
2 as **Exhibit A** and incorporated by reference is a true and correct copy of the Desist and Refrain  
3 Order dated June 9, 2009 (“ORDER”).

4 WHEREAS, Respondent, without admitting or denying such charges, seeks to resolve the  
5 concerns of the COMMISSIONER by entering into this Stipulation regarding the ORDER.

6 NOW, THEREFORE, the parties hereby stipulate and agree as follows:

7 1. Respondent hereby acknowledges that the COMMISSIONER is ready, willing and  
8 able to grant a hearing in relation to the ORDER, which Respondent has a right to. Respondent  
9 hereby voluntarily waives his right to a hearing in relation to the ORDER for violations of  
10 Corporations Code section 25230, for engaging in unlicensed investment adviser activity;

11 2. Respondent acknowledges that pursuant to Corporations Code section 25255,  
12 remedies for future violations of the California Corporate Securities Law of 1968 (“CSL”)  
13 (Corporations Code section 25000, et seq.) are not exclusive and may be sought and employed in  
14 any combination to enforce that law. Therefore, it is further stipulated that this agreement does not  
15 preclude the COMMISSIONER from seeking additional remedies against Respondent for future  
16 violations of the ORDER or any law under the COMMISSIONER’S jurisdiction not related to this  
17 investigation. These remedies include, but are not limited to, administrative actions, civil injunctive  
18 and ancillary relief and making a criminal referral pursuant to California law;

19 3. Respondent acknowledges that nothing in this Stipulation shall preclude the  
20 COMMISSIONER, or his agents or employees, to the extent authorized by law, from assisting or  
21 cooperating in any investigation and/or action brought by any other federal, state or county agency.  
22 Respondent further agrees that this Stipulation shall not bind or otherwise prevent any other federal,  
23 state or county agency from the performance of its duties;

24 4. Respondent enters into this Stipulation voluntarily and without coercion and  
25 acknowledges that no promises, threats or assurances have been made by the COMMISSIONER or  
26 any officer, or agent thereof, about this Stipulation; and  
27  
28

1           5.       Respondent and the COMMISSIONER agree that this Stipulation may be executed in  
2 one or more separate counterparts, each of which when so executed, shall be deemed an original.  
3 Such counterparts shall together constitute and be one and the same instrument.  
4

5 Dated: 06/15/09

PRESTON DUFAUCHARD  
California Corporations Commissioner

7 By \_\_\_\_\_  
8 ALAN S. WEINGER  
9 Deputy Commissioner

10 Dated:

11 By \_\_\_\_\_  
12 KYLE HARA, an individual

13 APPROVED AS TO FORM AND CONTENT:

14 By \_\_\_\_\_  
15 Bruce M. Kaufman, Esq.  
16 Attorney for RESPONDENT

17 Dated:  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28