

BEFORE THE
DIVISION OF SECURITIES
DEPARTMENT OF FINANCIAL INSTITUTIONS
STATE OF WISCONSIN

In the Matter of
ELECTRIC CHOICE INVESTMENTS, INC.,
SAN DIEGO POWER & LIGHT LLP,
L. A. POWER & LIGHT LLP, COURANT
CONSULTING, AIR COMMUNICATIONS
MANAGEMENT, DONALD LABARRE,
SAMUEL DWORKIN, MILTON FRANKLIN,
ALAN FRIEZER, MARTIN DAVIS, and MICHAEL
HOLLANDER,

PETITION FOR ORDER

Respondent.

File No. S-98263(EX)

The staff of the Enforcement Unit, Registration & Enforcement Section, of the Division of Securities, Department of Financial Institutions, State of Wisconsin has conducted an investigation in this matter pursuant to sec. 551.56, Wis. Stats. and as a result thereof alleges as follows:

1. Electric Choice Investments, Inc. ("Electric Choice") is a foreign business entity with a last known business address of 1355 W Palmetto Park, Ste. 145, Boca Raton, FL 33486.
2. San Diego Power & Light LLP ("San Diego") is a foreign business entity with a last known business address of 1355 W Palmetto Park, Ste. 145, Boca Raton, FL 33486.
3. L.A. Power & Light LLP ("L.A.") is a foreign business entity with a last known business address of 1355 W Palmetto Park, Ste. 145, Boca Raton, FL 33486.
4. Courant Consulting ("Courant") is a foreign business entity with a last known business address of 7770 Regents Rd., Ste. 127, San Diego, CA 92122.
5. Air Communications Management ("AirComm") is a foreign business entity with a last known business address of 9900 Stirling Rd., Ste. 224, Cooper City, FL 33024.
6. Donald LaBarre ("LaBarre") is an individual who at all times material hereto has been the sole director and officer of Electric Choice, with a last known business address at that of Electric Choice.
7. Samuel Dworkin ("Dworkin") is an individual who at all times material hereto has been an officer and director of Courant, with a last known business address at that of Courant.
8. Milton Franklin ("Franklin") is an individual who at all times material hereto has been an agent of Electric Choice, with a last known business address at that of Electric Choice.
9. Michael Hollander ("Hollander") is an individual who at all times material hereto has been an agent of Electric Choice, with a last known business address at that of Electric Choice.
10. Alan Friezer ("Friezer") is an individual who at all times material hereto has been an agent of AirComm, with a last known business address at that of AirComm.
11. Martin Davis ("Davis") is an individual who at all times material hereto has been an agent of AirComm, with a last known business address at that of AirComm.

12. During the period of at least November 1998, Franklin, on behalf of Electric Choice, San Diego, and LaBarre, offered and sold to at least one person in Wisconsin units in San Diego.
13. During the period of approximately November 1998, Hollander, on behalf of Electric Choice, San Diego, Courant, LaBarre, and Dworkin, offered and sold to at least one person in Wisconsin units in San Diego.
14. During the period of at least November 1998, Friezer, on behalf of AirComm, offered to at least one person in Wisconsin units in San Diego.
15. During the period of at least November 1998, Davis, on behalf of AirComm, offered to at least one person in Wisconsin units in San Diego.
16. During the period of at least July through September 1998, unknown agents, on behalf of Electric Choice, L.A., and LaBarre, offered to at least three persons in Wisconsin units in L.A.
17. The units offered by the respondents are securities as defined by sec. 551.02(13), Wis. Stats., and have never been registered for offer and sale in Wisconsin pursuant to Ch. 551, Wis. Stats.
18. All Respondents have violated sec. 551.21(1), Wis. Stats., by offering unregistered securities in Wisconsin.
19. In connection with the offers of the securities described above, Electric Choice and AirComm transacted business in Wisconsin as "broker-dealers," as that term is defined by sec. 551.02(3), Wis. Stats.
20. At no time have Electric Choice or AirComm been licensed as securities broker-dealers pursuant to Ch. 551, Wis. Stats.
21. Electric Choice has violated sec. 551.31(1), Wis. Stats., by transacting business in Wisconsin as a broker-dealer without a license.
22. AirComm has violated sec. 551.31(1), Wis. Stats., by transacting business in Wisconsin as a broker-dealer without a license.
23. In connection with the offers of the securities described above Friezer and Davis transacted business in Wisconsin as "agents" for AirComm, as that term is defined by sec. 551.02(2), Wis. Stats.
24. In connection with the offers of the securities described above, Franklin and Hollander transacted business in Wisconsin as "agents" for Electric Choice, San Diego, Courant, LaBarre, and Dworkin, as that term is defined by sec. 551.02(2), Wis. Stats.
25. At no time have Franklin, Hollander, Friezer, and Davis been licensed as securities agents pursuant to Ch. 551, Wis. Stats.
26. Franklin, Hollander, Friezer, and Davis have violated sec. 551.31(1), Wis. Stats., by transacting business in Wisconsin as securities agents without a license.
27. Electric Choice, San Diego, L.A., Courant, AirComm, LaBarre, and Dworkin have violated sec. 551.31(2), Wis. Stats., by employing unlicensed agents to represent them in Wisconsin.
28. On September 8, 1998, the State of Pennsylvania, issued a Cease and Desist Order against Electric Choice, L.A., and LaBarre, based on allegations of securities law violations.

