

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

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In the Matter of  
KEVIN FELIX MCGUIRE,

PETITION FOR ORDER

Respondent.

File No. S-03194(EX)

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

1. Kevin Felix McGuire ("McGuire") is an individual, with a date of birth of August 10, 1965, who told staff of the Bureau of Registration & Enforcement that his home address is 1515 Horton Road, Jackson, Michigan 49203;
2. Upon information and belief, during the period of 2001, McGuire borrowed money from two persons in Wisconsin, and issued to those persons written contracts as evidence of the debts, ranging from \$5,000 to \$140,000, with interest at an annual rate ranging from 10 to 21 percent;
3. The written contracts of McGuire described in Paragraph 2 are investment contract securities as that term is defined by DFI-Sec 1.02(6)(a), Wis. Adm. Code, and are therefore securities pursuant to sec. §551.02(13)(a), Wis. Stats.;
4. Upon information and belief, McGuire told the persons in Wisconsin described in Paragraph 2 that he would use the money for the purchase of NASCAR-type cars, and other related items, that McGuire would use in his business to show at various events in Wisconsin and other states;
5. Upon information and belief, McGuire filed Chapter 13 Bankruptcy Petition # 98-00174-jcs on January 1, 1998, in the US Bankruptcy Court, Western District of Michigan, which was discharged on April 29, 2003 and terminated on July 9, 2003;
6. Upon information and belief, McGuire was convicted of larceny by conversion and sentenced on August 20, 1990 to one year and four months imprisonment in the State of Michigan, court file # 893890FH, Wexford County, Michigan;
7. Upon information and belief, in connection with the offer and sale of the securities described in Paragraph 2, McGuire failed to disclose that he had filed a Chapter 13 bankruptcy petition, as described in Paragraph 5, which was still pending at the time of the offer and sale of the securities;
8. Upon information and belief, in connection with the offer and sale of the securities described in Paragraph 2, McGuire failed to disclose that he had been convicted of larceny by conversion, and was imprisoned for one year and four months, as described in Paragraph 6;
9. McGuire has violated sec. 551.41(2), Wis. Stats., by omitting to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, in connection with the offer and sale of a securities to persons in Wisconsin;

