

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

In the Matter of
THERMAX OF WISCONSIN and
TOMMY F. JOHNSON,

PETITION FOR ORDER

Respondents.

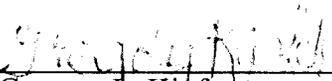
File No. S-02187(EX)

The staff of the Bureau of Registration & Enforcement, 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:

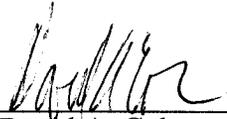
1. Thermax of Wisconsin is/was a business entity with last known business addresses of 1011 Madison Avenue, South Milwaukee, Wisconsin 53172.
2. Tommy F. Johnson (DOB 7/12/48) ("Johnson") is an adult male with a last known home address of 3921 B East Pulaski, Cudahy 53110.
3. During the period of at least March 1998 through October 2000, Johnson, on behalf of Thermax of Wisconsin, offered and sold to at least six individuals in Wisconsin interests in an "Investment Program" of Thermax of Wisconsin.
4. Pursuant to offering materials received by persons in Wisconsin, Thermax of Wisconsin will engage in the business of selling and marketing Thermax cleaning products including its complete home environmental system/unit.
5. Since the investors will be involved in a common enterprise with the expectation of profit to be derived from the essential managerial efforts of others, the "Investment/Loan Agreements" of Thermax of Wisconsin offered by respondents are investment contracts as defined by section DFI-Sec.1.02 (6)(a), Wis. Adm. Code, and are therefore securities as defined by sec. 551.02(13), Wis. Stats.
6. The "Investment/Loan Agreements" of Thermax of Wisconsin are "securities" as defined in sec. 551.02(13)(a), Wis. Stats., and have never been registered for offer and sale in Wisconsin pursuant to Ch. 551, Wis. Stats.
7. Respondents have violated sec.551.21(1), Wis. Stats., by offering unregistered securities in Wisconsin.
8. In connection with the offer and sale of the securities described above, Johnson provided offering material including an "Investment/Loan Agreement. The "Investment/Loan Agreement" states "Investors funds are guaranteed to investor at all times by Co. and/or secured by real property (real estate) that the Company or its State Director owns."
9. Upon information, neither the company, Thermax of Wisconsin, or its State Director, Tommy F. Johnson, own any real property (real estate) to be used as collateral to protect investors interests.
10. Johnson and Thermax of Wisconsin have violated sec. 551.41(2), Wis. Stats., by making an

untrue statement of a material fact in connection with the offer and sale of securities to persons in Wisconsin.

Therefore, the staff of the Enforcement Unit petitions the Administrator of the Division of Securities for the issuance of the attached Order pursuant to Ch. 551, Wis. Stats.

 5/14/03

Date
Gregory L. Kipfer
Examiner
Enforcement Unit

 9/2/03

Date
David A. Cohen
Supervising Attorney
Enforcement Unit