

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

In the Matter of
DAVID W. BOWER,

PETITION FOR ORDER

File No. S-05238(EX)

Respondents,

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

1. David W. Bower ("Bower") is an individual with a date of birth of December 6, 1956, with a last known home address of 1711 E. 400S, Springville, Utah 84663;
2. Upon information and belief, at all times material hereto, Bower has been an owner, officer and/or a controlling person of Tatap, Inc., a Nevada corporation with a last known business address at W329 S6812 County Road E, Mukwonago, Wisconsin 53149;
3. According to information provided to staff of the Division by a person who invested with Bower in Tatap, Inc., during the period of the year 2004, Bower offered and sold to that person, from Wisconsin, equity investments in Tatap, Inc.;
4. The equity investments as described in Paragraph 3 above are securities as defined by sec. 551.02(13)(a), Wis. Stats., and have never been registered under Ch. 551, Wis. Stats., for their offer and sale in Wisconsin;
5. According to information provided to staff of the Division by the person referred to in Paragraph 3 above, Bower directed the person to send the money for the investment to an account of Bower at a financial institution of Bower in Wisconsin;
6. According to offering material provided by Bower to the person referred to in Paragraph 3 above, Bower portrayed himself as an experienced pilot with experience in manufacturing;
7. According to offering material provided by Bower to the person referred to in Paragraph 3 above, funding for the business of Tatap, Inc. is to come from a foreign high yield investment program;
8. According to information provided to staff of the Division by the person referred to in Paragraph 3 above, Bower has failed to provide documents concerning the investment to the person, as represented by Bower before the investment, and has failed to perform according to the investment contract between Bower and the person;
9. According to documents obtained by staff of the Division from the financial institution having the account of Bower, referred to in Paragraph 5 above, the money of the person referred to in Paragraph 3 above came into the account of Bower when the balance was minimal, a check was written for the majority of the money but then was cancelled, and the money in the account was used in small amounts until it was depleted;

10. According to statements made by Bower to staff of the Division, Bower used the money of the person referred to in Paragraph 3 above for both personal and business purposes of Tatap, Inc. but Bower had an agreement with that person to use that person's money for personal and business purposes;
11. According to information provided to staff of the Division by the person referred to in Paragraph 3 above, that person did not give permission to Bower to use the money of the person for any purpose but for the business of Tatap, Inc.;
12. In connection with the purchase of the equity investments of Tatap, Inc., Bower violated sec. 551.41(3) Wis. Stats. by engaging in an act, practice or course of business which operates or would operate as a fraud or deceit upon a person;
13. According to information and documents provided to staff of the Division by another person who invested through Bower in Bower's then-business of LSA Aviation, LLC ("LSA"), that person loaned \$100,000 to LSA through Bower on or about October 23, 2003, to be repaid no later than 60 days, with interest;
14. According to information and documents obtained by staff of the Division, Bower is the owner, officer and/or controlling person of LSA;
15. According to information and documents provided to staff of the Division by the person referred to in Paragraph 13 above, that person was not repaid, nor did Bower communicate to that person about the loan and/or business of LSA;
16. According to information provided to staff of the Division by the person referred to in Paragraph 3 above, that person received no information before investing of the failure by Bower to repay the person referred to in Paragraph 13 above;
17. In connection with the offer and sale of the securities to the person referred to in Paragraph 3 above, Bower omitted to disclose the failure to repay the \$100,000 loan of the person referred to in Paragraph 13 above;
18. Bower has violated sec. 551.41(2), Wis. Stats., by omitting to state a material fact 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 securities to a person from Wisconsin;
19. Bower has failed to provide to staff of the Division the information and documents of his securities-related activities in and from Wisconsin, such as the loan from the person referred to in Paragraph 13 above, despite the due date having passed for his response.

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


 Mark E. Dorman
 Examiner

Date


 David A. Cohen
 Supervising Attorney

Date