

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

In the Matter of

PETITION FOR ORDER

MARK D. PETERS,

File No. S-09083(EX)

Respondent.

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

1. Mark D. Peters (“Peters”) is an individual who was born in March 1952, with a last known home address of 1725 51st Drive, Union Grove, Wisconsin 53182.
2. During 2006, Peters solicited an investment of \$7000 in his “day trading” business from at least one person in Wisconsin by inviting the investor to his home in Union Grove, Wisconsin and showing him the elaborate computer system used to day trade securities in the investment markets, and stating that it was a great way to make money.
3. On September 30, 2006, the investor gave Peters a cashier’s check from his account at Associated Bank as an investment in Peters’ day trading business. Peters instructed the investor to make the check payable to his partner in Minnesota, Mike Diamond, and the investor did as instructed.
4. A representative of Associated Bank told the investor that Peters deposited the investor’s cashier’s check into a bank account at the Tennessee State Bank in Pigeon Forge, Tennessee. The name of the accountholder is not known.
5. Upon information and belief, Peters never set up any account at any broker-dealer in Peters’ name or that of the investor in which to trade on behalf of the investor.
6. Peters has failed to provide any investment-related documents, pay any return on investment and/or maintain communications with the investor, despite the investor’s repeated requests for documentation of the investment and communication with Peters about the investment.
7. The investment solicited by Peters as set forth in ¶¶2-3 created an investment contract with the investor, which is a security pursuant to § 551.02(13), Wis. Stats, and § DFI-Sec. 1.02(6), Wis. Admin. Code.¹
8. Peters’ conduct as set forth in ¶¶2-6, including his representation to the investor that his investment money would be invested in Peters’ “day trading” business, constitutes a violation of § 551.41(2), Wis. Stats., which provides that it is unlawful for any person, in connection with the offer, sale or purchase of a security in this state, directly or indirectly, to make any untrue statement of fact or omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading.

¹ See Chapter 551, Wis. Stats. (2005-06). Pursuant to § 551.703, Wis. Stats. (2007-08), the predecessor statutes and rules apply to proceedings based upon violations which occurred prior to January 1, 2009.

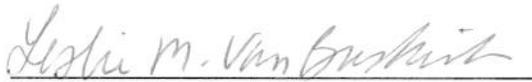
9. Division Staff wrote to and communicated by electronic mail with Peters to request information and documents concerning his offers and sales of securities to persons in Wisconsin, and particularly concerning the investor described above. Peters has failed to provide any such information and documents.

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

Dated at Madison, Wisconsin, this 15th day of September, 2010.

 9-15-10

Mark Dorman
Mark Dorman
Senior Examiner
Bureau of Enforcement



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