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OPEN MEETING ITEM

CARL J. KUNASEK
CHAIRMAN

JIM IRVIN
COMMISSIONER

WILLIAM A. MUNDELL
COMMISSIONER



0000043393

ARIZONA CORPORATION COMMISSION

BRIAN C. McNEIL
EXECUTIVE SECRETARY
ORIGINAL
MARK SENDROW
DIRECTOR

RESECURITIES DIVISION
1300 West Washington, Third Floor
Phoenix, AZ 85007-2996
TELEPHONE: (602) 542-4242
FAX: (602) 594-7470
E-MAIL: pccsec@csd1.azstate.az.us

FEB 16 1 04 PM '00

MEMORANDUM

DOCUMENT CONTROL

TO: Chairman Carl J. Kunasek
Commissioner Jim Irvin
Commissioner William A. Mundell

Arizona Corporation Commission
DOCKETED

FROM: Mark Sendrow *MS*
Director of Securities

FEB 16 2000

DATE: February 16, 2000

DOCKETED BY *[Signature]*

RE: Jack Allen Gerber and Truckville Inc., dba EZ Finance Auto Sales (S-03372A-99-0000)

CC: Brian C. McNeil, Executive Secretary

The Division filed a Temporary Order To Cease and Desist and Notice of Opportunity For Hearing Regarding Proposed Order For Relief on November 23, 1999 against Jack Allen Gerber and Truckville, Inc. dba EZ Finance Auto Sales. All Respondents are located in Arizona.

The Respondents placed advertisements in the newspaper seeking investors to invest \$100,000 in a used car lot. The Respondents represented that the investment would produce a \$2,000 monthly profit with a rate of return of approximately 24%. The Respondents would issue a promissory note for the investment. The Respondents raised no money.

The funds were to be used to purchase vehicles for the used car lot and Harley Davidson motorcycle parts. The motorcycle parts would be assembled and the Respondents would sell the motorcycles without the Harley Davidson name.

The Respondents failed to disclose information to the offerees about the financial condition of the company and the risk involved in the investment. The Respondents were not registered to offer or sell securities within or from Arizona nor were the Respondents registered broker/dealer or salesmen.

The Respondents agreed to consent to entry of an order. There were no investors in their program. The Respondents are willing to pay an administrative penalty in the amount of \$5,000. The Respondents will pay \$1,500 at the time of the signing of the consent and pay \$1,000

1200 WEST WASHINGTON, PHOENIX, ARIZONA 85007 / 400 WEST CONGRESS STREET, TUCSON, ARIZONA 85701

www.cc.state.az.us

monthly until paid in full. If the Respondents do not pay the amount due, the full penalty will be immediately due and payable with interest of 10% to accrue on the outstanding balance.

Originator: Wendy Coy

AG Assigned: Jennifer Boucek

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2
3 CARL J. KUNASEK
4 Chairman
5 JIM IRVIN
6 Commissioner
7 WILLIAM A. MUNDELL
8 Commissioner

9 IN THE MATTER OF THE OFFERING)
10 OF SECURITIES BY:)

DOCKET NO. S-03372A-99-0000

11 JACK ALLEN GERBER, an individual,)
12 19619 North 67th Drive)
13 Glendale, Arizona 85308)

DECISION NO. _____

14 TRUCKVILLE INC., DBA EZ FINANCE AUTO)
15 SALES,)
16 an Arizona corporation)
17 2520 East Bell Road)
18 Phoenix, Arizona 85032)

ORDER AND CONSENT REGARDING
JACK ALLEN GERBER and
TRUCKVILLE INC., DBA EZ FINANCE
AUTO SALES

19 JACK ALLEN GERBER and TRUCKVILLE INC., DBA EZ FINANCE AUTO
20 SALES ("Respondents") elect to permanently waive their rights to a hearing and appeal under
21 Articles 11 and 12 of the Securities Act of Arizona (the "Act") with respect to this Order and Consent
22 ("Order"); admit the jurisdiction of the Arizona Corporation Commission ("Commission"); admit the
23 Findings of Fact and Conclusions of Law contained in this Order; and consent to entry of this Order
24 by the Commission.

25 **I.**

26 **FINDINGS OF FACT**

1. JACK ALLEN GERBER ("GERBER"), whose last known business address is
19619 North 67th Drive, Glendale, Arizona 85308, is the president and principal shareholder of
Respondent TRUCKVILLE INC., ("TRUCKVILLE") DBA EZ FINANCE AUTO SALES. During
all relevant times, GERBER has done business as TRUCKVILLE.

3. Respondents offered unregistered securities in violation of A.R.S. §44-1841.

III.

ORDER

THEREFORE, on the basis of the Commission's Findings of Fact and Conclusions of Law, the following Order is appropriate, in the public interest and necessary for the protection of investors:

IT IS ORDERED, pursuant to A.R.S. § 44-2032, that Respondents will comply with provisions of this Order and abide by the Act including, but not limited to the following:

1. Offering to sell or selling securities within or from the State of Arizona only if the securities are registered with the Commission pursuant to Articles 6 and 7 of the Act, or an exemption from registration is available;

2. Offering to sell or selling securities within or from the State of Arizona only if prior registration as a dealer and/or salesman is obtained under Article 9 of the Act, or an exemption from registration is available;

3. Not offering to sell or selling securities within or from the State of Arizona in violation of A.R.S. § 44-1991. If offering to sell or selling securities within or from the State of Arizona, Respondents shall make full disclosure of all material facts including disclosure of this Order.

IT IS FURTHER ORDERED that, pursuant to A.R.S. § 44-2036, Respondents shall pay an administrative penalty in the amount of \$5,000 payable to the State Treasurer for deposit in the general fund of the State of Arizona at the entry of this Order.

Payment shall be made by cashier's check in the amount of \$1,500 upon entry of this Order followed by monthly payments of \$1,000 until paid in full, such checks to be made payable to the "State of Arizona" for deposit in the General Fund of the state.

IT IS FURTHER ORDERED that upon failure to pay any amount due, the full penalty shall be immediately due and payable, with interest to accrue at the statutory rate of 10%.

DECISION NO. _____

1 IT IS FURTHER ORDERED that this Order shall become effective immediately upon
2 the date set forth below.

3 BY ORDER OF THE ARIZONA CORPORATION COMMISSION
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5
6 CHAIRMAN

COMMISSIONER

COMMISSIONER

7 IN WITNESS WHEREOF, I, BRIAN C.
8 McNEIL, Executive Secretary of the Arizona
9 Corporation Commission, have hereunto set
10 my hand and caused the official seal of the
11 Commission to be affixed at the Capitol, in the
12 City of Phoenix, this ___ day of
13 _____, 2000.

14 _____
15 BRIAN C. McNEIL
16 Executive Secretary

16 _____
17 DISSENT
18 (WC)
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DECISION NO. _____

**CONSENT TO ENTRY OF ORDER BY THE COMMISSION
AND WAIVER OF HEARING**

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TRUCKVILLE INC., ("TRUCKVILLE") DBA EZ FINANCE AUTO SALES, through the undersigned officer, acknowledges that it has been fully advised of its right to a hearing to present evidence and call witnesses. TRUCKVILLE waives all hearing procedures and right to appeal provided by the Securities Act of Arizona with respect to this Order.

TRUCKVILLE admits the jurisdiction of the Arizona Corporation Commission with respect to matters set forth in this Order and Consent.

TRUCKVILLE admits the Findings of Fact and Conclusions of Law contained in this Order and Consent.

TRUCKVILLE consents to the entry of this Order.

TRUCKVILLE states that its entry into this Consent to Entry of Order is a voluntary act and that no promise was made nor coercion used to induce it to enter into it.

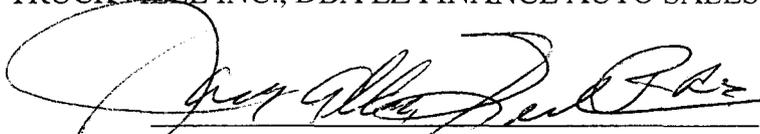
TRUCKVILLE understands that this Consent to Entry of Order does not preclude the Commission or any other agency, officer of this State or its subdivisions, from instituting other civil or criminal proceedings now or in the future.

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DECISION NO. _____

1 TRUCKVILLE agrees not to take any action or to make or permit to be made, any
2 public statement denying, directly or indirectly, any allegation in the Notice or creating the impression
3 that the Notice is without factual basis. If TRUCKVILLE breaches this agreement, the Commission
4 may move to vacate this Order and restore this case to its active docket.

6 TRUCKVILLE INC., DBA EZ FINANCE AUTO SALES

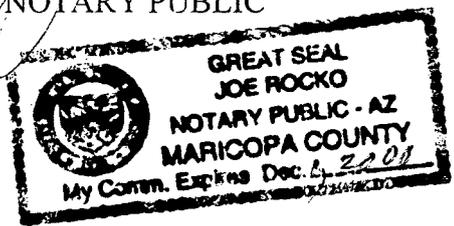
7 
8 By JACK ALLEN GERBER, President

10 SUBSCRIBED TO AND SWORN BEFORE me this 15 day of
11 FEB, 2000.

12 
13 NOTARY PUBLIC

14 My Commission Expires:

15 Dec 1, 2001



DECISION NO. _____

**CONSENT TO ENTRY OF ORDER BY THE COMMISSION
AND WAIVER OF HEARING**

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JACK ALLEN GERBER ("GERBER") acknowledges that he has been fully advised of his right to a hearing to present evidence and call witnesses. GERBER waives all hearing procedures and right to appeal provided by the Securities Act of Arizona with respect to this Order.

GERBER admits the jurisdiction of the Arizona Corporation Commission with respect to matters set forth in this Order and Consent.

GERBER admits the Findings of Fact and Conclusions of Law contained in this Order and Consent.

GERBER consents to the entry of this Order.

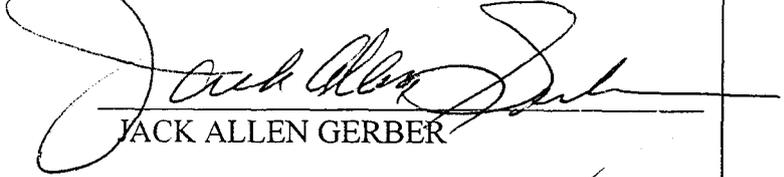
GERBER states that his entry into this Consent to Entry of Order is a voluntary act and that no promise was made nor coercion used to induce him to enter into it.

GERBER understands that this Consent to Entry of Order does not preclude the Commission or any other agency, officer of this State or its subdivisions, from instituting other civil or criminal proceedings now or in the future.

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DECISION NO. _____

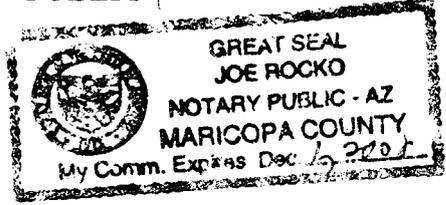
1 GERBER agrees not to take any action or to make or permit to be made, any public
2 statement denying, directly or indirectly, any allegation in the Notice or creating the impression that
3 the Notice is without factual basis. If GERBER breaches this agreement, the Commission may move
4 to vacate this Order and restore this case to its active docket.

5 
6 JACK ALLEN GERBER

7
8 SUBSCRIBED TO AND SWORN BEFORE me this 15 day of
9 FEB, 2000.

10 
11 NOTARY PUBLIC

12 My Commission Expires:
13 Dec 1, 2000



24
25
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DECISION NO. _____