



or by the mails or any facility of any national securities exchange, be, and hereby are, preliminarily enjoined from, directly or indirectly:

- (a) employing any device, scheme or artifice to defraud;
- (b) engaging in any act, practice, transaction or course of business which operates or would operate as a fraud or deceit upon any person;
- (c) obtaining money or property by means of any untrue statement of a material fact, or omitting to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (d) making any untrue statement of a material fact or omitting 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,

in violation of Section 10(b) of the Securities Exchange Act of 1934 [15 U.S.C. 78j(b)], and Rule 10b-5 thereunder [17 C.F.R. 240.10b-5].

## II.

**IT IS HEREBY FURTHER ORDERED** that Defendants, their agents, servants, employees, attorneys, assigns, and all persons in active concert or participation with them, who receive actual notice of this Order by personal service or otherwise, are preliminarily enjoined from violating Sections 206(1) and 206(2) of the Investment Advisers Act of 1940 [15 U.S.C. §§80b-6(1), (2)] by, directly or indirectly, using the mails or any means or instrumentality of interstate commerce to:

- (a) employ any device, scheme, or artifice to defraud any client or prospective client; or
- (b) engage in any transaction, practice, or course of business which operates as a fraud or

deceit upon any client or prospective client.

### III.

**IT IS HEREBY FURTHER ORDERED** that Defendant CFP, its agents, servants, employees, attorneys, assigns, and all persons in active concert or participation with them, who receive actual notice of this Order by personal service or otherwise, are preliminarily enjoined from violating Section 204 of the Investment Advisers Act of 1940 [15 U.S.C. §§80b-6(1), (2)] and Rule 204-2 thereunder [17 CFR 275.204-2] by failing to keep true, accurate and current records of the following relating to its investment advisory business:

- (1) A journal or journals, including cash receipts and disbursements, records, and any other records of original entry forming the basis of entries in any ledger.
- (2) General and auxiliary ledgers (or other comparable records) reflecting asset, liability, reserve, capital, income and expense accounts.
- (3) A memorandum of each order given by the investment adviser for the purchase or sale of any security, of any instruction received by the investment adviser concerning the purchase, sale, receipt or delivery of a particular security, and of any modification or cancellation of any such order or instruction. Such memoranda shall show the terms and conditions of the order, instruction, modification or cancellation; shall identify the person connected with the investment adviser who recommended the transaction to the client and the person who placed such order; and shall show the account for which entered, the date of entry, and the bank, broker or dealer by or through whom executed where appropriate. Orders entered pursuant to the exercise of discretionary power shall be so designated.
- (4) All check books, bank statements, cancelled checks and cash reconciliations of the investment adviser.
- (5) All bills or statements (or copies thereof), paid or unpaid, relating to the business of the investment adviser as such.
- (6) All trial balances, financial statements, and internal audit working papers relating to the business of such investment adviser.
- (7) Originals of all written communications received and copies of all written communications sent by such investment adviser relating to (i) any recommendation

made or proposed to be made and any advice given or proposed to be given, (ii) any receipt, disbursement or delivery of funds or securities, or (iii) the placing or execution of any order to purchase or sell any security: Provided, however, (a) That the investment adviser shall not be required to keep any unsolicited market letters and other similar communications of general public distribution not prepared by or for the investment adviser, and (b) that if the investment adviser sends any notice, circular or other advertisement offering any report, analysis, publication or other investment advisory service to more than 10 persons, the investment adviser shall not be required to keep a record of the names and addresses of the persons to whom it was sent; except that if such notice, circular or advertisement is distributed to persons named on any list, the investment adviser shall retain with the copy of such notice, circular or advertisement a memorandum describing the list and the source thereof.

(8) A list or other record of all accounts in which the investment adviser is vested with any discretionary power with respect to the funds, securities or transactions of any client.

(9) All powers of attorney and other evidences of the granting of any discretionary authority by any client to the investment adviser, or copies thereof.

(10) All written agreements (or copies thereof) entered into by the investment adviser with any client or otherwise relating to the business of such investment adviser as such.

(11) A copy of each notice, circular, advertisement, newspaper article, investment letter, bulletin or other communication that the investment adviser circulates or distributes, directly or indirectly, to 10 or more persons (other than persons connected with such investment adviser), and if such notice, circular, advertisement, newspaper article, investment letter, bulletin or other communication recommends the purchase or sale of a specific security and does not state the reasons for such recommendation, a memorandum of the investment adviser indicating the reasons therefore.

(12)(i) A copy of the investment adviser's code of ethics adopted and implemented pursuant to § 275.204A-1 that is in effect, or at any time within the past five years was in effect;

(ii) A record of any violation of the code of ethics, and of any action taken as a result of the violation; and

(iii) A record of all written acknowledgments as required by § 275.204A-1(a)(5) for each person who is currently, or within the past five years was, a supervised person of the investment adviser.

(13) (i) A record of each report made by an access person as required by § 275.204A-1(b), including any information provided under paragraph (b)(3)(iii) of that section in lieu of such reports;

(ii) A record of the names of persons who are currently, or within the past five years were, access persons of the investment adviser; and

(iii) A record of any decision, and the reasons supporting the decision, to approve the acquisition of securities by access persons under § 275.204A-1(c), for at least five years after the end of the fiscal year in which the approval is granted.

(14) A copy of each written statement and each amendment or revision thereof, given or sent to any client or prospective client of such investment adviser in accordance with the provisions of Rule 204-3 under the Act, and a record of the dates that each written statement, and each amendment or revision thereof, was given, or offered to be given, to any client or prospective client who subsequently becomes a client.

(15) All written acknowledgments of receipt obtained from clients pursuant to § 275.206(4)-3(a)(2)(iii)(B) and copies of the disclosure documents delivered to clients by solicitors pursuant to § 275.206(4)-3.

(16) All accounts, books, internal working papers, and any other records or documents that are necessary to form the basis for or demonstrate the calculation of the performance or rate of return of any or all managed accounts or securities recommendations in any notice, circular, advertisement, newspaper article, investment letter, bulletin or other communication that the investment adviser circulates or distributes, directly or indirectly, to 10 or more persons (other than persons connected with such investment adviser); provided, however, that, with respect to the performance of managed accounts, the retention of all account statements, if they reflect all debits, credits, and other transactions in a client's account for the period of the statement, and all worksheets necessary to demonstrate the calculation of the performance or rate of return of all managed accounts shall be deemed to satisfy the requirements of this paragraph.

(17) (i) A copy of the investment adviser's policies and procedures formulated pursuant to § 275.206(4)-7(a) of this chapter that are in effect, or at any time within the past five years were in effect, and

(ii) Any records documenting the investment adviser's annual review of those policies and procedures conducted pursuant to § 275.206(4)-7(b) of this chapter.

**IV.**

**IT IS FURTHER ORDERED** that Defendant Jarvis and her agents, servants, employees, attorneys and those persons in active concert or participation with them, who receive actual notice of this Order, by personal service, facsimile or otherwise, and each of them, be and hereby are, preliminarily enjoined from aiding and abetting any violation of Section 204 of the Investment Advisers Act of 1940 [15 U.S.C. §§80b-6(1), (2)] and Rule 204-2 thereunder [17 CFR 275.204-2] by failing to keep true, accurate and current records relating to any investment advisory business, such records being set forth in paragraph III, above.

**CONTINUATION OF ASSET FREEZE SUBJECT TO CONDITIONS**

**V.**

**IT IS FURTHER ORDERED** that the Court's asset freeze entered on April 9, 2009, shall continue in force until further order of this Court. Subject only to the exceptions set forth below, all assets Defendants own, have an interest in, or control, whether directly or indirectly, are frozen, except as otherwise specified herein. Pending entry of the Final Judgment, Defendants, their officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them, except any trustee, receiver or special fiscal agent appointed by this Court, be, and hereby are, restrained from, directly and indirectly, transferring, setting off, receiving, changing, selling, pledging, encumbering, assigning, liquidating or otherwise disposing of or withdrawing any assets and property owned by, controlled by, or in the possession of said Defendants. This Court further enjoins any disbursement by Defendants, their agents, representatives, employees and officers and all persons acting in concert or participation with them, whatever business names they may operate under, of any proceeds derived from the transactions

alleged in the Commission's Complaint or any other yet unidentified fraudulent or unauthorized transaction(s) that the Defendants may have executed in any clients account(s). The freeze shall include but not be limited to those funds located in any bank accounts, brokerage accounts, real property whether within or without the United States, and any other accounts or property, real or personal, tangible or intangible, of Defendants. Provided, however, that Jarvis shall have available and shall be entitled to expend up to \$2,960 each month for normal, reasonable and necessary living expenses. In this vein, Jarvis will permitted to transfer up to \$2,960 total each month during the first five days of the month. The transfer shall come only from CFP's savings account at Chase Bank, No. xxxxxxxxxxxx6227, located in Columbus, Ohio. All such transfers shall be made directly to her checking account at Chase Bank, No. xxxxx0106. All disbursements for Jarvis's normal, reasonable and necessary living expenses shall be made from said checking account.

## **DISCOVERY**

### **VI.**

**IT IS FURTHER ORDERED** that the Commission may continue to take expedited discovery for the purpose of determining whether and to what extent Defendants have misappropriated funds belonging to clients of CFP, the disposition and location of such funds, and all assets currently owned and controlled by Defendants, as follows:

- A. The Commission may take depositions upon oral examination subject to three days notice, pursuant to Rule 30(a) of the Federal Rules of Civil Procedure;
- B. Pursuant to Rule 33(a) of the Federal Rules of Civil Procedure, the Defendants shall respond to all plaintiff's interrogatories within ten days of service of such interrogatories;

C. Pursuant to Rule 34 of the Federal Rules of Civil Procedure, upon request of the Commission, the Defendants shall produce all documents within ten days of service of such request;

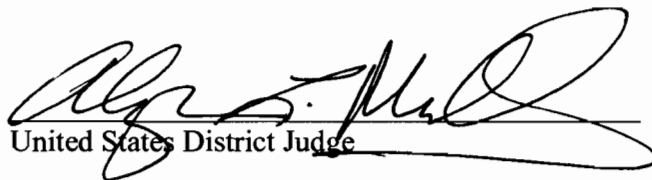
D. All written responses to the Commission's requests for discovery under the Federal Rules of Civil Procedure shall be delivered to the Commission to the attention of SEC counsel of record at:

Securities and Exchange Commission  
100 F Street, N.E.  
Washington, DC 20549-4010

E. The Commission may further, pursuant to Rules 26 and 45 of the Federal Rules of Civil Procedure, serve subpoenas for documents and testimony; and

F. Nothing in this grant of discovery shall be construed as a waiver of any Fifth Amendment rights defendant Jarvis may have, nor shall it limit her right to assert such privilege to the full extent such privilege applies under the law.

Dated: 22 April 2009

  
United States District Judge