

1 DEPARTMENT OF INSURANCE AND FINANCE  
2 DIVISION OF FINANCE AND CORPORATE SECURITIES  
3 SECURITIES SECTION  
4 BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE AND FINANCE  
5 STATE OF OREGON

6 In the Matter of: ) O-93-0006  
7 )  
8 VAN ECK FUNDS ) ORDER ASSESSING CIVIL PENALTIES  
9 ) AND  
10 Respondents. ) CONSENT TO ENTRY OF ORDER

11 WHEREAS the Director of the Department of Insurance and Finance for the  
12 State of Oregon (hereinafter DIRECTOR) has conducted an investigation of VAN ECK  
13 FUNDS (hereinafter Van Eck), and has determined that Van Eck sold unregistered  
14 securities in the state of Oregon in violation of Oregon Securities Laws; and

15 WHEREAS Van Eck wishes to resolve and settle this matter with the DIRECTOR;

16 NOW, THEREFORE, as evidenced by the authorized signature subscribed on this  
17 Order, Van Eck hereby CONSENTS to entry of this Order upon the Director's  
18 Findings of Fact and Conclusions of Law as stated hereinafter;

19 FINDINGS OF FACT

20 The DIRECTOR FINDS that:

21 1. Van Eck, Respondent herein, in an open-end, diversified management  
22 investment company commonly known as a mutual fund, whose address is 122 East  
23 42nd Street, New York, NY 10168;

24 2. Van Eck Associates Corporation is an investment adviser, as defined  
25 under the federal Investment Adviser Act of 1940, and provides supervisory and  
26 management services for Respondent;

27 3. Van Eck Funds shares are not registered for sale in the State of  
28 Oregon.

29 4. Van Eck Funds shares are exempt from registration requirements in the

30 ORDER ASSESSING CIVIL PENALTY AND CONSENT TO ENTRY OF ORDER 4897-ENF PAGE 1

OREGON DEPARTMENT OF INSURANCE AND FINANCE  
Corporate Securities Section  
21 Labor and Industries Building  
Salem, OR 97310  
(503) 378-4387

1 State of Oregon provided a Notice of Intention to Sell Securities pursuant to  
2 ORS 59.025(14)(a) is filed with the DIRECTOR on an annual basis;

3 5. On February 15, 1992 Van Eck filed a Notice of Intention to Sell  
4 Securities pursuant to ORS 59.025(14)(a) with the State of Oregon. The  
5 registration lapsed on February 15, 1993.

6 6. Van Eck filed a subsequent Notice of Intention to sell Securities  
7 pursuant to ORS 59.025(14)(a) on March 8, 1993;

8 7. During the period from February 15, 1993, through March 8, 1993, when  
9 Van Eck shares were not registered in Oregon, and not subject to the Exemption  
10 Notice, Respondent sold shares to Oregon investors in the amount of \$21,265.89  
11 without benefit of registration or notice of exemption for such sales.

12 **CONCLUSIONS OF LAW**

13 The **DIRECTOR CONCLUDES** that:

14 1. Van Eck Funds sold unregistered securities between February 15, 1993,  
15 and March 8, 1993, in violation of ORS 59.055.

16 **ORDER**

17 **NOW, THEREFORE,** Respondent is hereby **ORDERED** to:

18 1. PAY a civil penalty of \$750.00 to the State of Oregon for the  
19 violations stated herein. This fine shall not be paid from the assets of  
20 Van Eck Funds. Respondent further agrees that neither Respondent nor its

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1 officers or directors nor the investment adviser shall be indemnified from  
2 assets of Van Eck Funds for payment of civil penalties assessed herein.

3 Dated this 28<sup>th</sup> day of May, 1993, at Salem, Oregon.

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6 GARY K. WEEKS  
7 DIRECTOR  
8 DEPARTMENT OF INSURANCE AND FINANCE

9 CONSENT TO ENTRY OF ORDER  
10 ADMISSION OF FACTS

11 I, Thaddeus Leszczynski, state that I am a Corporate Officer of  
12 Van Eck Funds and I am authorized to act on its behalf; that I have read the  
13 foregoing Order and that I know and fully understand the contents thereof; that  
14 Respondent admits that the factual allegations contained therein are true and  
15 correct; that Respondent has been advised to its right to a hearing, and that  
16 Respondent consents to the entry of this Order without further hearing; that  
17 Respondent consents to the entry of this Order voluntarily without any force or  
18 duress; that Respondent understands that the Director reserves the right to take  
19 further actions to enforce this Order, or, upon discovery, to enforce other  
20 violations of the Oregon Securities Laws by Respondent; that Respondent will  
21 fully comply with the terms and conditions stated herein.

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ORDER ASSESSING CIVIL PENALTY AND CONSENT TO ENTRY OF ORDER 4897-ENF PAGE 3

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1 Respondent Van Eck Funds further assures the Director that it will not  
2 transact any business in the State of Oregon unless such transactions are in  
3 full compliance with Oregon Revised Statutes Chapter 59.

4 I understand that this Consent Order is a public document.

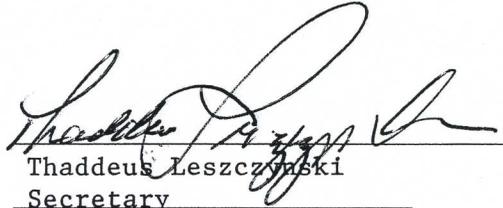
5 DATED this 20th day of May, 1993.

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Thaddeus Leszczynski  
(Title) Secretary

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Van Eck Funds

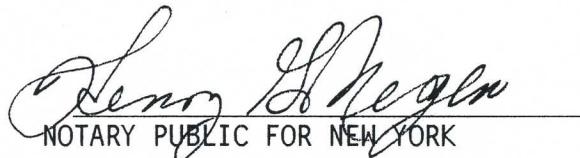
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SUBSCRIBED AND SWORN before me this 20th of May, 1993.

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NOTARY PUBLIC FOR NEW YORK

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My commission expires: **HENRY G. NEGER**  
NOTARY PUBLIC, State of New York  
No. 30-4654092  
Qualified in Nassau County  
Commission Expires 12-31-93

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