

1 DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
2 DIVISION OF FINANCE AND CORPORATE SECURITIES
3 SECURITIES SECTION
4 BEFORE THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND BUSINESS
5 SERVICES

6 In the Matter of) O-95-0014
7)
8 AMERICAN SERVICE CORP.) CEASE AND DESIST ORDER
9 and ROGER J. MIRACLE) ORDER ASSESSING CIVIL PENALTY
10) AND
11 Respondents.) CONSENT TO ORDER

12 WHEREAS the Director of the Department of Consumer and
13 Business Services has conducted an investigation of AMERICAN
14 SERVICE CORP. and ROGER J. MIRACLE, and has determined that
15 AMERICAN SERVICE CORP., and ROGER J. MIRACLE transacted
16 investment adviser business while unlicensed and allowed
17 unlicensed salespersons in the State of Oregon to transact
18 business in violation of the Oregon Securities Law;

19 WHEREAS AMERICAN SERVICE CORP and ROGER J. MIRACLE wish to
20 resolve and settle this matter with the **DIRECTOR**;

21 NOW THEREFORE, as evidenced by the authorized signature
22 subscribed on this Order, AMERICAN SERVICE CORP. and ROGER J.
23 MIRACLE, hereby **CONSENT** to entry of this Order to Cease and
24 Desist upon the Director's Findings of Fact and Conclusions of
25 Law as stated hereinafter.

26 **FINDINGS OF FACT**

27 The Director **FINDS** that:

28 1. AMERICAN SERVICE CORP., an Oregon corporation incorporated
on October 9, 1984 and currently located at 123 E. Powell Blvd.,
Suite 306, Gresham, Oregon 97030.

CEASE AND DESIST ORDER; ORDER ASSESSING CIVIL PENALTY
AND CONSENT TO ORDER PAGE 1

1 2. ROGER J. MIRACLE is sole shareholder of AMERICAN SERVICE
2 CORPORATION.

3 3 On February 7, 1995 ROGER J. MIRACLE, on behalf of
4 AMERICAN SERVICE CORPORATION, applied for an Investment Adviser
5 license from the State of Oregon.

6 4. ROGER J. MIRACLE provided the Division of Finance and
7 Corporate Securities, a surety bond effective on February 7,
8 1995, issued by CONTRACTORS BONDING AND INSURANCE COMPANY.

9 5. On March 14, 1995, Dale Laswell, Maurice Hillyer and
10 John M. Kailey representing the Division of Finance and Corporate
11 Securities, interviewed ROGER J. MIRACLE, President and sole
12 shareholder of AMERICAN SERVICE CORP.

13 6. In the course of this interview it was determined that
14 AMERICAN SERVICES CORP. and ROGER J. MIRACLE had been in the
15 business of offering advice for compensation totalling \$38,756 to
16 at least 12 Oregon clients regarding investments in securities
17 between January, 1991 and March 14, 1995.

18 7. At no time between January 1991 and March 14, 1995 was
19 AMERICAN SERVICE CORP. or ROGER J. MIRACLE licensed as an
20 Investment Adviser in the State of Oregon.

21 **CONCLUSIONS OF LAW**

22 The Director **CONCLUDES** that:

23 1. AMERICAN SERVICE CORP. and ROGER J. MIRACLE acted as
24 investment advisers as defined in ORS 59.015(6) by rendering
25 investment advice to clients and receiving compensation based on
26 that advice.

1 2. AMERICAN SERVICE CORP and ROGER J. MIRACLE transacted
2 business as investment adviser in the State of Oregon while
3 unlicensed in violation of ORS 59.165(4) during the period of
4 January, 1991 and March 14, 1995.

5 **ORDER**

6 The Director, pursuant to ORS 59.245 hereby **ORDERS** that
7 respondents **AMERICAN SERVICE CORP., and ROGER J. MIRACLE** shall
8 **CEASE AND DESIST** from:

9 1. Transacting investment adviser business in the State of
10 Oregon in violation of ORS 59.165.

11 2. Abide by all conditions of the investment adviser
12 license issued to respondents by the Securities Section.

13 3. Violating any of the provisions of Chapter 59.

14 The Director, pursuant to ORS 59.995 **HEREBY ORDERS** respondents to
15 pay a **CIVIL PENALTY** as follows:

16 1. **AMERICAN SERVICE CORP., and ROGER J. MIRACLE** are ORDERED
17 TO PAY the sum of \$1,500 for violations stated herein. The civil
18 penalty shall be paid as follows;

19 (1) The sum of \$500 shall be paid upon execution by
20 **AMERICAN SERVICE CORP., and ROGER J. MIRACLE** of the
21 Consent to Entry portion of this Order; and

22 (2) **ROGER J. MIRACLE**, in the course of one year from the
23 date of entry of this Order, shall obtain a
24 passing grade in the series eight examination offered
25 by the National Association of Securities Dealers.

26 (3) **ROGER J. MIRACLE** in the course of one year from the

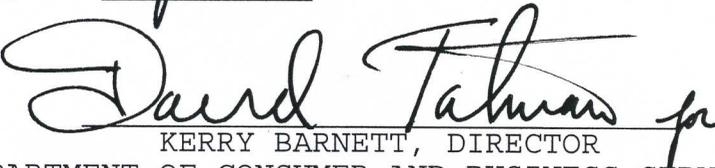
1 date of entry of this Order, shall obtain a passing grade
2 in the series sixty-five examination offered by the
3 Investment Training Institute.

4 (4) The remaining sum of \$1,000 shall be suspended
5 pending the successful completion of exams mentioned
6 in sections(2) and (3) above within the prescribed 12
7 month period. Should Respondent MIRACLE fail to
8 obtain a passing grade on the two exams within the
9 required time frame, the remaining sum of \$1,000 is
10 deemed owed and due one year from the date of this
11 order.

12 Failure to obtain passing grades for the two exams within in the
13 allotted time, failure to pay any portion of the fine, should it
14 come due, and failure to comply with all terms of any license
15 issued by the Securities Section shall constitute violations of
16 this order.

17 The entry of this Order in no way limits further remedies
18 which may be available to the Director under Oregon law to
19 enforce this Order.

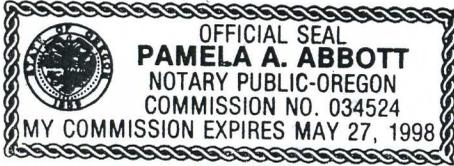
20
21 Dated this 28th day of April, 1995, at Salem, Oregon.

22
23 
24 KERRY BARNETT, DIRECTOR
25 DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

1 and that he is authorized and empowered to sign this Consent
2 to Entry of Order and to bind AMERICAN SERVICE CORP. to the terms
3 hereof.

4 SUBSCRIBED AND SWORN to before me this 24 day of April, 1995

5 Pamela A. Abbott



7 Notary Public for Oregon

8 Pamela A. Abbott

9 Printed Name of Notary Public

10 My commission expires: 5-27-98

1 **CONSENT TO ENTRY OF ORDER BY ROGER J. MIRACLE**

2 I, ROGER J. MIRACLE, state that I am respondent herein; that I
3 have read the foregoing order and that I know and fully
4 understand thereof; that I admit that the factual allegations
5 contained herein are true and correct; that I have been advised
6 of my right to a hearing; that I consent to the entry of this
7 Order voluntarily, and without any force or duress; that I
8 understand that the Director reserves the right to take further
9 actions to enforce this Order, or, upon discovery, to enforce
10 other violations of the Oregon Securities Law by me; that I will
11 fully comply with the terms and conditions stated herein.

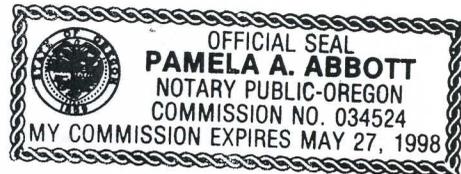
12 I ROGER J. MIRACLE, further assure the Director that I will not
13 transact business in the State of Oregon unless such transactions
14 are in full compliance with ORS Chapter 59. I understand that
15 this Consent Order is a public document.

16 Dated this 24th day of April, 1995

17
18 Roger J. Miracle
Roger J. Miracle

19 SUBSCRIBED AND SWORN TO ME this 24 day of April, 1995.

20
21 Pamela A. Abbott
NOTARY PUBLIC FOR OREGON



22
23 My commission expires: 5-27-98