DENISE VOIGT CRAWFORD SECURITIES COMMISSIONER

JOHN R. MORGAN
DEPUTY SECURITIES COMMISSIONER

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208 E. 10thStreet. 5th Floor Austin. Texas 78701-2407 www.ssb.state.tx.us JACK D LADD CHAIRMAN

BRYAN K. BROWN MEMBER

BETH ANN BLACKWOOD MEMBER

> WILLIAM R. SMITH MEMBER

EDWARD ESCUDERO MEMBER

IN THE MATTER OF ALAN KEITH NELSEN dba AVALON WORLD TRADE LTD. dba GENESIS RESOURCES GMBH LTD. and MARY ALICE MONTEZA

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Order No. ENF-07-CDO-1631

TO: Alan Keith Nelsen dba Avalon World Trade Ltd. dba Genesis Resources GMBH Ltd. 2650 Thousand Oaks #3201 San Antonio, Texas 78232 and 18160 U.S. 281 North, Mailbox #I08/233 San Antonio, Texas 78232

> Mary Aiice Monteza 2650 Thousand Oaks #3201 San Antonio, Texas 78232

### AGREED CEASE AND DESIST ORDER

Be it remembered that Alan Keith Nelsen dba Avalon World Trade Ltd. dba Genesis Resources GMBH Ltd. ("Respondent Nelsen") and Mary Alice Monteza ("Respondent Monteza") (collectively "Respondents") appeared before the Securities Commissioner of the State of Texas ("Securities Commissioner") and consented to the entry of this Order and the Findings of Fact and Conclusions of Law contained herein.

## FINDINGS OF FACT

Respondents have waived (a) Respondents' right to notice and hearing in this matter; (b) Respondents' right to appear and present evidence in this matter; (c) Respondents' right to appeal this Order; and (d) all other procedural rights granted to Respondents by The Securities Act, TEX. REV. CIV. STAT. ANN. art. 581-1 et [Seq. (Vernon 1964 & Supp. 2006) ("Texas Securities Act"), and the Administrative

- Procedure Act, TEX. GOV'T CODE ANN. § 2001.001 <u>et seq.</u> (Vernon Supp. 2006) ("Administrative Procedure Act").
- 2. Respondent Nelsen is doing business in Texas under the assumed names of Avalon World Trade Ltd. and Genesis Resources GMBH Ltd. Respondent Nelsen maintains last known addresses of 2650 Thousand Oaks #3201, San Antonio, Texas 78232 and 18160 U.S. 281 North, Mailbox #108/233, San Antonio, Texas 78232.
- Respondent Monteza purports to be an employee of Avalon World Trade Ltd. and maintains a last known address of 2650 Thousand Oaks #3201, San Antonio, Texas 78232.
- Respondents offered and sold investments in Texas. Respondents represented that the investments would be made through Avalon World Trade Ltd. and Genesis Resources GMBH Ltd., and that investor funds would be pooled and traded overseas. Respondents further represented that investors would earn profits within several months with a high rate of return at no risk of loss.
- 5. The above-described investments have not been registered by qualification, notification, or coordination and no permit has been granted for their sale in Texas.
- 6. Respondents have not been registered with the Securities Commissioner as dealers or agents at any time material hereto.
  - In connection with the offer for sale of the above-described investments, Respondents intentionally failed to disclose the following material facts:
  - On February 7, 2002, Respondents were found liable for breach of contract and for fraud and deceit in a matter captioned Angelica Pinochet and Pablo Pinochet v. Avalon World Trade, Ltd.; Alan Nelsen; Mary Alice Monteza, (Case No. 324777, Superior Court of California).
  - In connection with this judgment, said judgment was never satisfied by repayment to Plaintiffs.

# CONCLUSIONS OF LAW

- The above-described investments are "securities" as that term is defined in Section 4.A of the Texas Securities Act.
- 2. Respandents have violated Section 7 of the Texas Securities Act by offering for sale the above-described securities in Texas at a time when the securities were not registered with the Securities Commissioner.

Agreed Cease and Desist Order/Alan Keith Nelsen dba Avalon World Trade Ltd. dba Genesis Resources GMBH Ltd, and Mary Alice Monteza/Page 2

- 3. Respondents have violated Section 12 of the Texas Securities Act by offering securities for sale in Texas without being registered pursuant to the provisions of Section 12 of the Texas Securities Act.
- 4. Respondents have engaged in fraud in connection with the offer for sale and sale of securities.
- The foregoing violations constitute bases for the issuance of a Cease and Desist Order pursuant to Section 23.A of the Texas Securities Act.

# **ORDER**

- It is therefore ORDERED that Respondents CEASE AND DESIST from offering for sale and selling any security in Texas until the security is registered with the Securities Commissioner or is offered for sale pursuant to an exemption from registration under the Texas Securities Act.
- It is further ORDERED that Respondents CEASE AND DESIST from the offer and sale of securities in Texas until Respondents are registered with the Securities Commissioner as dealers or agents or an available exemption from registration is utilized.
- It is further ORDERED that Respondents CEASE AND DESIST from engaging in any fraud in connection with the offer for sale and sale of any security in Texas.

SIGNED AND ENTERED by the Securities Commissioner this 12th day of 2007.

DENISE VOIGTORAWFOR Securities Commissioner

# Respondents:

Alan Keith Nelsen

dba Avalon World Trade Ltd.

dba Genesis Resources GMBH Ltd.

Approved as to Form:

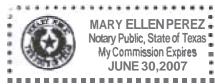
Joseph Rotunda, Director **Enforcement Division** 

**Enforcement Division** 

## **ACKNOWLEDGMENT**

On the \_\_\_\_\_ day of \_\_\_\_, 2007, Alan Keith Nelsen dba Avalon World TradeLtd. dba Genesis Resources GMBHLtd. ("Respondent Nelsen") personally appeared before me, executed the foregoing Order, and acknowledged that:

- 1. Respondent Nelsen has read the foregoing Order;
- 2. Respondent Nelsen has been fully advised of his rights under the Texas Securities Act and the Administrative Procedure Act:
- 3. Respondent Nelsen knowingly and voluntarily consents to the entry of the foregoing Order and the Findings of Fact and Conclusions of Law contained therein; and,
- Respondent Nelsen, by consenting to the entry of the foregoing Order, has knowingly and voluntarily waived his rights as set forth therein.



Notary without Bond

[affix notary seal here]

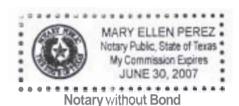
Notary Public in and for the State of TEXAS

My commission expires on: 6/30/07

#### **ACKNOWLEDGMENT**

On the 2015 day of <u>Tune</u>, 2007. Mary A. Monteza ("Respondent Monteza") personally appeared before me, executed the foregoing Order, and acknowledged that:

- Respondent Monteza has read the foregoing Order;
- 2. Respondent Monteza has been fully advised of her rights under the Texas Securities Act and the Administrative Procedure Act;
- 3. Respondent Monteza knowingly and voluntarily consents to the entry of the foregoing Order and the Findings of Fact and Conclusions of Law contained therein; and.
- Respondent Monteza, by consenting to the entiryof the foregoing Order, has knowingly and voluntarily waived her rights as set forth therein.



[affix notary seal here]

Notary Public in and for the State of TEXAS

My commission expires on: 6/30/07