

ADMINISTRATIVE PROCEEDING

BEFORE THE

BEFORE THE SECURITIES DIVISION

IN THE MATTER OF:)
)
Debbie E. Wicker) **ORDER ISSUING A PERMANENT**
) **BAR AND IMPOSING AN**
) **ADMINISTRATIVE FINE**
)
)
) **Case Number 05060**
)
_____)

WHEREAS, the Securities Division of the Office of the Attorney General of the State of South Carolina (the "Division"), pursuant to authority granted in the South Carolina Uniform Securities Act, S.C. Code Ann. § 35-1-10 *et. seq.* (the "Act"), initiated an investigation into the securities-related activities of Respondent Debbie E. Wicker ("Respondent" or "Wicker");

WHEREAS, in connection with its Motion for an Order Issuing A Permanent Bar and Administrative Fine (the "Motion"), the Division has established that the Respondent has engaged in acts or practices constituting violations of the Act;

WHEREAS, the Respondent did not request a hearing in this matter and the time to do so has expired; and

WHEREAS, I make the following Findings of Fact based on the uncontroverted facts presented by the Division in the Motion:

FINDINGS OF FACT

1. Wicker was, at all times material herein, a resident of South Carolina, residing at 525 Water Garden Court, Irmo, SC 29063.
2. In or around December, 2001, Wicker began soliciting investments from South Carolina residents for an "enterprise" based in the Philippines.

3. A woman who identified herself by the name of LadyBird ("Ladybird"), a.k.a. Jutta Cursel, Maling So Wen, or Myrna Klein, was the principal of this enterprise, which at times identified itself by the name of Lingkod, Inc.

4. The stated premise of the investments in Lingkod, Inc. solicited by Wicker varied over the course of time, but at some point it involved the retrieval of gold from Filipino caves and the trading of gold on market exchanges (the "Lingkod Investment").

5. Several different investment and payout structures were used to describe the Lingkod Investment. Two in particular that Wicker offered to South Carolina residents were known as the "Week 1 Opportunity" and the "Week 2 Opportunity."

6. The Week 1 Opportunity required investors to invest ten thousand (\$10,000.00) dollars for eight (8) weeks. Wicker told potential investors that they would receive a return of fifty thousand (\$50,000.00) dollars after the eight (8) week investment period.

7. The Week 2 Opportunity required investors to invest fifty thousand (\$50,000.00) dollars for eight (8) weeks. Wicker told potential investors that they would receive a return of two hundred fifty thousand (\$250,000.00) dollars after the eight (8) week investment period.

8. Wicker presented the Week 1 Opportunity and Week 2 Opportunity by word of mouth to individuals she knew from her church (Capitol Worship Centre in Irmo, South Carolina), her line of work (Neways, a health supplement distribution network), and various religious conferences she attended.

9. Wicker distributed instructions to interested individuals to wire their investment to a bank account allegedly held by Ladybird in the Philippines.

10. Individuals who desired to participate in the Week 1 Opportunity or Week 2 Opportunity wired their investment to the Philippines according to Wicker's instructions or gave cash to

Wicker's husband, Harry Wicker, to be wired to the Philippines.

11. At least two (2) residents of South Carolina invested ten thousand (\$10,000.00) dollars each in the Week 1 Opportunity in or around January or February, 2002, after Wicker presented it to them.

12. At least one (1) resident of South Carolina invested fifty thousand (\$50,000.00) dollars in the Week 2 Opportunity in or around February or March, 2002, after Wicker presented it to him.

13. Following their investments, the South Carolina residents referred to in items 11 and 12 above (the "Identified Investors") received numerous emails from Wicker concerning, among other things, the status of their invested funds and anticipated payout dates.

14. These emails frequently made statements regarding the return of the Identified Investors' money, such as the following:

- a. "Your funds should be returned sometime today."
- b. "All your funds are secure and safe."
- c. "She [Ladybird] would like to make sure that all who are in the investment have another opportunity to decide to stay in for the next program or to cash out at this time."
- d. "We are on the precipise [sic] of a cash out time for the 8 week program."

15. In addition to the Identified Investors, Wicker also sent the emails referred to in items 13 and 14 above (the "Emails") to other investors and potential investors in the Week 1 and Week 2 Opportunities.

16. The content of the Emails was purportedly based on Wicker's email correspondence with Ladybird.

17. Prior to investing with Wicker, each of the Identified Investors was told their initial investment would be increased five-fold and returned approximately eight (8) weeks after investment.

18. Based on their investment dates, the Identified Investors should have received both their investments back and the promised returns from the investments no later than June 1, 2002.

19. In email correspondence occurring after the promised returns to the Identified Investors were due, Wicker informed the Identified Investors that their funds were unavailable.

20. As of January 1, 2006, no money or returns had been given to any of the Identified Investors related to their investments in the Week 1 Opportunity and Week 2 Opportunity.

21. Wicker is not registered and during the time period of the transactions herein was not registered with the Division as an issuer agent.

22. Lingkod, Inc. is not registered and during the time period of the transactions herein was not registered with the Division to issue securities, and no claim of exemption has been made for either the Week 1 Opportunity or the Week 2 Opportunity.

23. Both the offer of the Week 1 Opportunity and the Week 2 Opportunity as presented to potential South Carolina investors by Wicker in late 2001 and early 2002, and the subsequent investments made by the Identified Investors in the opportunities, involve securities transactions occurring in or from the State of South Carolina.

CONCLUSIONS OF LAW

A. Concerning Jurisdiction

The Lingkod Investment is a security pursuant to Section 35-1-20(15) of the Act. The Identified Investors who participated in the Lingkod Investment invested money in a common

enterprise with the expectation of profits to be derived primarily from the efforts of a person other than the investor. The offer and the sale of the Lingkod Investment as described in the Findings of Facts constitute the offer and the sale of a security as defined in Section 35-1-180(3) of the Act.

B. Concerning the offer or sale of unregistered securities

Section 35-1-810 of the Act provides it is unlawful for any person to offer or sell any security in this State unless (a) it is registered under the Act, (b) the security or transaction is exempted under Section 35-1-310 or 35-1-320 of the Act, or © the security involved is a federal covered security.

The Lingkod Investment offered and sold by Wicker on behalf of Lingkod, Inc., an unregistered entity, constitutes a security as defined by 35-1-20(15) of the Act, and was offered and sold in this State without prior registration, without a claim of exemption from registration, and without prior qualification as a federal covered security.

C. Concerning the offer or sale of securities by an unregistered agent

Section 35-1-410 of the Act provides it is unlawful for any person to transact business in this State as a broker-dealer or agent unless he is registered under the Act or exempt from licensing under the Act. Section 35-1-20(2) of the Act defines an "agent" as any individual, other than a broker-dealer, who represents a broker-dealer or issuer in effecting or attempting to effect purchases or sales of securities.

Wicker acted as an agent of Lingkod, Inc. in the offer and sale of the Lingkod Investment to the Identified Investors. Wicker did so without prior registration as an agent of Lingkod, Inc. and without any exemption from registration.

D. Concerning the fraud in connection with the offer or sale of securities

Section 35-1-1210 of the Act prohibits any person from employing any device, scheme or artifice to defraud, or from making any untrue statement of material fact or omitting to state a material fact in connection with the offer, sale or purchase of any security.

In connection with the offer and sale of the Lingkod Investment, Wicker made misrepresentations to multiple investors with regard to both the amount of the promised returns and the date on which the promised returns would accrue to investors.

NOW THEREFORE, PURSUANT TO SECTIONS 35-1-60 AND 35-1-1475 OF THE ACT, IT IS HEREBY **ORDERED** that:

1. Wicker is permanently barred from engaging in any aspect of the securities business in South Carolina.

2. Wicker shall pay a statutory fine of forty-five thousand and no/100 (\$45,000.000) dollars for the following violations:

- a. Fifteen thousand and no/100 (\$15,000.00) dollars for committing three violations of Section 35-1-810 of the Act by offering and selling securities, in the form of Lingkod Investments, when such were not federal covered securities, and were not registered or exempt from registration under the Act;
- b. Fifteen thousand and no/100 (\$15,000.00) dollars for violating Section 35-1-410 of the Act by offering and selling securities in the form of the Lingkod Investment without registration or exemption from registration as an agent under the Act;

- c. Fifteen thousand and no/100 (\$15,000) dollars for violating Section 35-1-210 of the Act by making untrue statements of material fact when soliciting the three Identified Investors.

CONTINUING TO ENGAGE IN ACTS DETAILED BY THIS ORDER AND/OR SIMILAR ACTS MAY RESULT IN THE DIVISION'S FILING ADDITIONAL ADMINISTRATIVE ACTIONS AND/OR SEEKING FURTHER ADMINISTRATIVE FINES. WILLFUL VIOLATION OF THIS ORDER COULD RESULT IN CRIMINAL PENALTIES UNDER SECTION 35-1-1590 OF THE ACT.

IT IS SO ORDERED.

April 25, 2004
Date

Henry McMaster
Henry McMaster
Securities Commissioner