

STATE OF ILLINOIS  
SECRETARY OF STATE  
SECURITIES DEPARTMENT

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IN THE MATTER OF: ADAM G. KRUGER and )  
KRUGER, MILLER AND TUMMILLO )  
\_\_\_\_\_)

FILE NO. 0300896

TEMPORARY ORDER OF PROHIBITION

TO RESPONDENTS: Adam G. Kruger  
60 E. Beech, Unit 224  
Schaumburg, Illinois

Kruger, Miller and Tummillo, Inc.  
301 Jennifer Lane  
Roselle, Illinois 60172

On information and belief, I, Jesse White, Secretary of State for the State of Illinois, through my designated representative, who has been fully advised in the premises by the staff of the Securities Department, Office of the Secretary of State, herein find:

SALE OF UNREGISTERED SECURITIES

1. That Adam G. Kruger ("Kruger") is a resident of Illinois and holds himself out as President of Kruger, Miller, and Tummillo, Inc. ("KMT")(collectively "Respondents").
2. Kruger, Miller, and Tummillo, Inc. ("KMT") (collectively with Kruger "Respondents") is or was an unregistered investment adviser operating in the State of Illinois.
3. Respondents raised money from Investors at least one of which was an Illinois resident by telling said investors that Respondents would pool their funds to day trade various securities or to purchase stock in a privately held company.
4. Per Section 2.1 of the Illinois Securities Law of 1953 [815 ILCS 5] (the "Act") Securities are defined, inter alia, as participating in any profit sharing agreement or investment contracts.

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5. That the activities described in paragraphs 2 above constitutes the offer and sale of a security as those terms are defined in Sections 2.1, 2.5, and 2.5a of the Illinois Securities [815 ILCS 5] (the "Act").
6. That Section 5 of the Act provides, inter alia, that all securities except those exempt under Section 3 or those offered or sold in transactions exempt under Section 4 shall be registered either by coordination or by qualification prior to their offer or sale in the State of Illinois.
7. That Respondents failed to file with the Secretary of State an application for registration of the securities described above as required by the Act and that as a result the security was not registered pursuant to Section 5 of the Act prior to its offer in the State of Illinois.
8. That Section 12.A of the Act provides, inter alia, that it shall be a violation for any person to offer or sell any security except in accordance with the provisions of the Act.
9. That Section 12.D of the Act provides, inter alia, that it shall be a violation for any person to fail to file with the Secretary of State any application, report or document required to be filed under the provisions of the Act or any rule or regulation made by the Secretary of State pursuant to the Act.
10. That by virtue of the foregoing, Respondents have violated Sections 12.A and 12.D of the Act.
11. That the aforementioned findings are based upon credible evidence.

UNREGISTERED INVESTMENT ADVISOR/REPRESENTATIVE

12. Respondents, did all of the following:
  - Rendered advice regarding securities
  - Managed the accounts and/or portfolios of clients
  - Solicited and promoted investment in what he called a hedge fund that would purchase shares in a company called Efoura, Inc
  - Accepted fees for such services
13. The activities of the Respondents described in paragraph 11 constitute the activities of an Investment Advisor or an Investor Advisor Representative.
14. Section 8 of the Act provides, inter alia, that all Investment Advisors and Investment Advisors Representatives, except as otherwise provided, shall be registered with the Secretary of State.

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15. At all relevant times, Respondents failed to file with the Secretary of State applications for registration as an Investment Advisor or an Investment Advisor Representative.
16. Section 12.C of the Act provides, inter alia, that it shall be a violation for any person to act as an Investment Advisor or Investment Advisor Representative, unless registered as such.
17. Section 12.D of the Act provides, inter alia, that it shall be a violation for any person to fail to file with the Secretary of State any application, report or document required to be filed under the provisions of the Act or any rule or regulation made by the Secretary of State pursuant to the Act.
18. By virtue of the foregoing, Respondents have violated Sections 12.C and 12.D of the Act and Respondent will violate them again if they continue to act as an Investment Advisor or Investment Advisor Representative.

FRAUD IN SALE OF SECURITIES

19. Paragraphs 1 through 3 are realleged and incorporated by reference herein.
20. Respondents accepted funds from Investors to deposit into KMT's E\*Trade account but instead converted a significant amount of said funds for their own use and benefit, without disclosing to the Investors.
21. Respondents on numerous occasions deceived Investors regarding the worth and status of their accounts particularly relating to investments in Efoura, Inc.
22. One or more Illinois investors demanded that Respondents close out their account and remit the proceeds to them. Respondents refused such request.
23. Section 12.F of the Act provides that it shall be a violation of the Act for any person to engage in any transaction, practice or course of business in connection with the sale or purchase of securities which works or tends to work a fraud or deceit upon the purchaser or seller thereof.
24. Section 12.G of the Act provides that it shall be a violation of the Act for any person to obtain money or property through the sale of securities by means of any untrue statement of a material fact or any omission 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.
25. Section 12.I of the Act provides that to employ any device, scheme or artifice to defraud in connection with the sale or purchase of any security, directly or indirectly.

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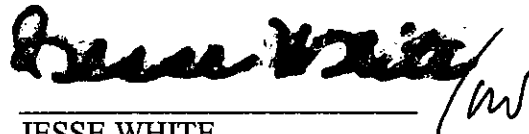
26. By virtue of the foregoing, Respondent has violated 12.F, 12.G and 12.I of the Act and will violate them again if he makes further offers, or if they make any sales, of the investment opportunity describe above in the State of Illinois.
27. That Section 11.F (2) of the Act provides, inter alia, that the Secretary of State may temporarily prohibit the offer or sale of securities by any person, without notice and prior hearing, if the Secretary of State shall deem it necessary to prevent an imminent violation of the Act or to prevent losses to investors that will occur as a result of prior violations of the Act.
28. That the entry of this Temporary Order prohibiting Respondents, or its agents, affiliates, successors and employees, from offering or selling securities in the State of Illinois is in the public interest and for the protection of the investing public and is consistent with the purposes intended by the provisions of the Act.

NOW THEREFORE IT IS HEREBY ORDERED THAT: pursuant to the authority granted by Section 11.F of the Act, Respondents Adam G. Kruger and Kruger, Miller and Tumnillo, Inc., its officers and directors, agents, employees, affiliates, successors and assigns are prohibited from offering or selling securities in or from this State, from acting as an investment advisor or investor advisor representative until the further Order of the Secretary of State.

NOTICE is hereby given that Respondents may request a hearing on this matter by transmitting such request in writing to the Director, Illinois Securities Department, 17 North State Street, Suite 1266, Chicago, Illinois 60602. Such request must be made within thirty (30) calendar days of the date of entry of the Temporary Order of Prohibition. Upon receipt of a request for hearing, a hearing will be scheduled as soon as reasonably practicable. A request for hearing will not stop the effectiveness of this Temporary Order and will extend the effectiveness of this Temporary Order for sixty days from the date the hearing request is received by the Department.

FAILURE BY ANY RESPONDENTS TO REQUEST A HEARING WITHIN THIRTY (30) CALENDAR DAYS AFTER ENTRY OF THIS TEMPORARY ORDER OF PROHIBITION SHALL CONSTITUTE AN ADMISSION OF ANY FACTS ALLEGED HEREIN AND SHALL CONSTITUTE SUFFICIENT BASIS TO MAKE THIS TEMPORARY ORDER OF PROHIBITION FINAL.

Dated: This 28<sup>th</sup> day of May 2004.



JESSE WHITE  
Secretary of State  
State of Illinois

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Attorney for the Secretary of State:

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