

STATE OF ILLINOIS  
SECRETARY OF STATE  
SECURITIES DEPARTMENT

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IN THE MATTER OF: RATE SEARCH, INC., )  
ITS OFFICERS, DIRECTORS, ) File No. 0800220  
EMPLOYEES, AFFILIATES, SUCCESSORS, )  
AGENTS AND ASSIGNS )  
AND SCOTT LUSTER )

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ORDER OF PROHIBITION

TO THE RESPONDENTS: Scott Luster  
Rate Search, Inc.  
275 Union Blvd., Suite 1608  
St. Louis, Missouri 63108

WHEREAS, the record of the above captioned matter has been reviewed by the Secretary of State or his duly authorized representative;

WHEREAS, the rulings of the Hearing Officer on the admission of evidence and all motions are deemed to be proper and are hereby concurred with by the Secretary of State;

WHEREAS, the proposed Findings of Facts and Conclusions of Law and Recommendation of the Hearing officer, Jon K. Ellis, in the above-captioned matter have been read and examined;

WHEREAS, the following proposed Findings of Fact are correct and are adopted by the Secretary of State as follows:

1. The pleadings and exhibits have been offered and received from the Department and a proper record of all proceedings has been made and preserved as required by law.
2. The Hearing Officer has ruled on all motions and objections timely made and submitted.
3. The Hearing Officer and the Secretary of State Securities Department have jurisdiction over the parties herein and subject matter dealt with herein, due and proper notice having been previously given as required by statute in this Matter.
4. As no Answer was timely filed, the Respondent is therefore deemed to be in default.

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5. The Respondent Rate Search, Inc., is a purported business entity, with a last known address of 275 Union Boulevard, Suite 1608, St. Louis, Missouri 63108.
6. At all times relevant, the Respondent Scott Luster was President of Rate Search, Inc.
7. On or about September 11, 2003, and November 12, 2003, the Respondents offered and sold to BG and MG, Illinois residents, two Certificates of Deposit for a total investment amount of \$200,000.00.
8. That Section 2.1 of the Illinois Securities Law of 1953 [815 ILCS 5/1 et seq.] (the "Act") defines the term "Security" as "any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit sharing agreement, collateral trust certificate, pre-organization certificate or subscription, transferable share, investment contract, investment fund share, face-amount certificate, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas or other mineral lease, right or royalty, any put, call, straddle, option, or privilege on any security, certificate of deposit or group or index of securities (including any interest therein or based on the value thereof), or any put, call, straddle, option or privilege entered into on a national securities exchange relating to foreign currency, or, in general, any interest or instrument commonly known as a "Security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. "Security" does not mean a mineral investment contract or a mineral deferred delivery contract; provided, however, the Department shall have authority to regulate these contracts as hereinafter provided."
9. Each of the aforementioned Certificates of Deposit is a security as that term is defined pursuant to Section 2.1 of the Act.
10. Section 5 of the Act provides, inter alia, that all securities except those set forth under section 2.A of the Act, or those exempt under Section 3 of the Act or those offered and sold in transactions exempt under

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Section 4 of the Act, shall be registered with the Secretary of State prior to their offer or sale in the State of Illinois.

11. Section 12.A of the Act provides, inter alia, that it shall be a violation of the Act for any person to offer or sell any securities except in accordance with the provisions of the Act.
12. Section 12.D of the Act provides, inter alia, that it shall be a violation of the Act for any person to fail to file with the Secretary of State any document or application required to be filed under the provisions of the Act or to fail to comply with the terms of any order of the Secretary of State issued pursuant to Section 11 of the Act
13. At all times relevant hereto, the Respondent failed to file an application for registration of the above-referenced securities with the Secretary of State prior to their offer or sale in the State of Illinois.
14. The Respondents induced an Illinois resident to purchase said securities as detailed and documented in the Department's pleadings without first having registered the securities with the Illinois Secretary of State as is required by the Act.
15. Section 11.E(2) of the Act provides, inter alia, that if the Secretary of State shall find that any person has violated subsection D of Section 12 of the Act, the Secretary of State may by written order prohibit the person from offering or selling any securities in this State.
16. Section 11.E(3) of the Act provides, inter alia, that if the Secretary of State shall find that any person is engaging or has engaged in the business of selling or offering for sale securities as a dealer or salesperson without prior thereto and at the time thereof having complied with the registration or notice filing requirements of this Act, the Secretary of State may by written order prohibit the person from offering or selling any securities in this State.
17. Section 11.E(4) of the Act provides, inter alia, that if the Secretary of State, after finding that any provision

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of the Act has been violated, may impose a fine as provided by rule, regulation or order not to exceed \$10,000.00 for each violation of the Act, as well as the costs of investigation and reasonable expenses.

18. By virtue of the foregoing, the Respondents Rate Search, Inc., its officers, directors, employees, agents, affiliates, successors and assigns, and Scott Luster, have violated Sections 12.A and 12.D of the Act, and are subject to a fine of up to \$10,000.00 per violation, costs of investigation, reasonable expenses, an order of censure, and an order which permanently prohibits the Respondents from offering or selling securities in the State of Illinois.
19. The entry of a Final Order of Prohibition and/or a fine of up to \$10,000.00 for each violation of the Act is proper in this Matter, given the conduct of the Respondents as described in the pleadings and Secretary of State Exhibit Nos. 1-10.

WHEREAS, the following proposed Conclusions of Law are correct and are adopted by the Secretary of State as follows:

1. The actions, representations, and/or omissions of the Respondent made in connection with the failure to offer or sell any security in accordance with the provisions of the Act are violations of Section 12.A of the Act. The actions, representations, and/or omissions of the Respondent made in connection with the failure to file required documents with the Secretary of State are violations of Section 12.D of the Act.
2. By virtue of the foregoing, the Respondents are subject to an Order of permanent Prohibition in the State of Illinois, a fine of up to \$10,000.00 for each violation of the Act, and/or granting such other relief as may be authorized under the Act.
3. Because of the Findings of this Report and Recommendation, the pleadings and the Exhibits admitted as Secretary of State Exhibits Nos. 1-10, as well as the fact that the Respondents failed to answer the Notice of Hearing or appear at the hearing, the entry of a written Order of Prohibition pursuant to 815 ICS 5/11.E(2) and (3) which permanently prohibits the offer or sale of securities by

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the Respondents in the State of Illinois is proper in this Matter.

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Respondents Rate Search, Inc., its officers, directors, employees, agents, affiliates, successors and assigns, and Scott Luster, shall be permanently prohibited from offering or selling securities in the State of Illinois.

ENTERED: This *3rd* day of *February*, 2009

  
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Jesse White  
Secretary of State  
State of Illinois

NOTICE: Failure to comply with the terms of this Order shall be a violation of the Section 12.D of the Act. Any person or entity who fails to comply with the terms of this Order of the Secretary of State, having knowledge of the existence of the Order, shall be guilty of a Class 4 felony.

This is a final order subject to administrative review pursuant to the Administrative Review Law, [735 ILCS 5/3-101 et seq.] and the Rules and Regulations of the Illinois Securities Act, [14 Ill. Admin. Code Ch. I, Section 130.1123]. Any action for Judicial Review must be commenced within thirty-five (35) days from the date a copy of this Order is served upon the party seeking review.

Attorney for the Secretary of State:  
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