

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

BEFORE THE
SECURITIES COMMISSIONER

In the Matter of Emily Water)
and Beverage Co., Inc.,)
Respondent)

**ORDER FOR AND NOTICE
OF CIVIL PENALTY AND
NOTICE OF RIGHT TO
REQUEST A HEARING**

.....
WHEREAS, on February 28, 2000, Respondent, Emily Water and Beverage Co., Inc., was the subject of a Cease and Desist Order issued by the Commissioner wherein the Commissioner alleged that Respondents engaged in the offer and/or sale of unregistered franchises in North Dakota and to North Dakota resident; and,

WHEREAS, the Commissioner sent the above-referenced Cease and Desist Order, via certified mail – return receipt, to Respondent on February 28, 2000; and,

WHEREAS, the Commissioner received a certified receipt which indicates that the Respondents received the Cease and Desist Order on March 2, 2000; and,

WHEREAS, the Commissioner did not receive any request for hearing by or on behalf of Respondents, nor has this office been provided with any information contrary to the Commissioner’s Order dated February 28, 2000.

ORDER FOR AND NOTICE OF CIVIL PENALTY

Now, therefore, the Commissioner hereby reaffirms the allegations as set forth in the Cease and Desist Order dated February 28, 2000 and hereby **Orders that Respondents pay to the Commissioner a civil penalty in the amount of \$10,000.**

NOTICE OF RIGHT TO REQUEST HEARING

YOU ARE NOTIFIED that pursuant to §10-04-12 N.D.C.C. you may request a hearing before the Securities Commissioner if such a request is made in writing WITHIN TEN (10) DAYS AFTER THE RECEIPT OF THIS ORDER. The respondent has the right to be represented by legal counsel at the hearing.

Dated at Bismarck, North Dakota on this 26th day of April, 2000.



Syver Vinje

Syver Vinje, Securities Commissioner
Office of the Securities Commissioner
State Capitol, Fifth Floor
600 East Boulevard
Bismarck, ND 58505-0510
Ph. # (701) 328-2900

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)
Respondents.)

**AFFIDAVIT OF SERVICE
BY MAIL**

.....
I, Jacqui Ferderer, being first duly sworn, state that I am a citizen of the United States over the age of twenty-one years and not a party to or interested in the above-entitled proceeding.

On, April 26, 2000, I deposited in the Central Mailing Bureau of the United States Post Office Department in the State Capitol in Bismarck, North Dakota, true and correct copies of the following document:


**ORDER FOR AND NOTICE OF CIVIL PENALTY AND
NOTICE OF RIGHT TO REQUEST A HEARING**

A copy of the above document was securely enclosed in an envelope with postage prepaid, sent via Certified U. S. mail, return receipt requested, and addressed to each of the following:

Emily Water & Beverage Co., Inc.
805 East 13th Avenue, North
Kansas City, MO 60604

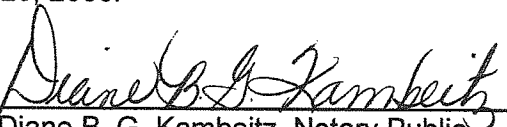
Marilynn Ingels
1517 NE Parvin Road
Kansas City, MO 64116

To the best of my knowledge, information, and belief, the address given above is the last known address of the party intended to be served.



Jacqui Ferderer

Subscribed and sworn to before me on April 26, 2000.



Diane B. G. Kambeitz, Notary Public
Burleigh County, North Dakota
My commission expires 4/25/2006