

**STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH**

**BEFORE THE  
SECURITIES COMMISSIONER**

In the Matter of Fegen & Associates, )  
Nicholas A. Fegen, Legend Mobile f/k/a )  
PTN Media, Inc., Peter C. Klamka, and )  
their Officers, Directors, Agents and )  
Employees, )  
Respondents. )

**CEASE AND DESIST ORDER,  
NOTICE OF CIVIL PENALTY, AND  
NOTICE OF RIGHT TO  
REQUEST A HEARING**

.....

**THE SECURITIES COMMISSIONER OF THE STATE OF NORTH DAKOTA TO  
FEGEN & ASSOCIATES, NICHOLAS A. FEGEN, LEGEND MOBILE, F/K/A PTN  
MEDIA, INC., PETER C. KLAMKA, AND THEIR OFFICERS, DIRECTORS, AGENTS  
AND EMPLOYEES:**

The North Dakota Securities Commissioner has a reasonable basis to believe that the Respondents have engaged in, are engaging in, or are about to engage in, acts, practices or transactions, as more fully described below, which are prohibited under Chapter 10-04 of the North Dakota Century Code (N.D.C.C.). It is necessary and appropriate in the public interest and for the protection of investors to restrain these acts, practices, or transactions of the Respondents.

1. The Respondents have offered for sale and/or sold investment(s) to at least one resident of North Dakota in violation of §10-04-04 N.D.C.C. The subject investment(s) are securities as defined in §10-04-02(15) N.D.C.C.

2. The subject investment(s) have not been registered with the Securities Commissioner under §10-04-07; §10-04-07.1; §10-04-08; or §10-04-08.1 N.D.C.C.; are not exempt securities under §10-04-05 N.D.C.C; have not been offered for sale or sold in exempt transactions under §10-04-06 N.D.C.C.; and were not federal covered securities under §10-04-08.4 N.D.C.C.
3. Respondents, Fegen & Associates and Legend Mobile, were not registered as dealers in violation of §10-04-10(1) N.D.C.C. Respondents, Nicholas A. Fegen and Peter C. Klomka, were not registered as agents in violation of §10-04-10(2) N.D.C.C.

**NOW, THEREFORE, IT IS ORDERED**, pursuant to §10-04-16 N.D.C.C., that the Respondent shall immediately **CEASE AND DESIST**:

1. From offering for sale or selling in North Dakota the subject investment, or any other investment interest however denominated, unless and until such investment interests have been registered with the Securities Commissioner.
2. From offering for sale or selling investments in North Dakota unless and until they have registered with the Securities Commissioner as dealers or agents.

This order does not prohibit the offer or sale of securities through exempt securities transactions under §10-04-06 N.D.C.C., nor does it prohibit registered dealers and agents from offering or selling exempt securities under §10-04-05 N.D.C.C.

**YOU ARE NOTIFIED** that any willful violation of this order is a Class B Felony pursuant to §10-04-18(1) N.D.C.C. Pursuant to §12.1-32-01 N.D.C.C., a Class B Felony is punishable by a \$10,000 fine and 10 years' imprisonment.

**YOU ARE FURTHER NOTIFIED** that, pursuant to §12.1-09-03 N.D.C.C., a person is guilty of a criminal offense if he intentionally "alters, destroys, mutilates, conceals, or removes a record, document, or thing with intent to impair its verity or availability" in an official proceeding. As such, intentional destruction of any documents related to this matter may result in criminal prosecution.

#### **NOTICE OF CIVIL PENALTIES**

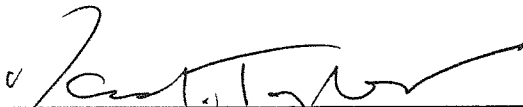
**YOU ARE NOTIFIED** that the above-cited violations are sufficient grounds for the imposition of civil penalties pursuant to §10-04-16(1) N.D.C.C. The Securities Commissioner does herein assess a civil penalty of \$20,000, jointly and severally against the respondents. Additionally, the Commissioner expressly reserves the authority to assess civil penalties, not to exceed \$10,000 per violation, regarding any other violations subsequently discovered, or any future securities violations or violations of this order.

#### **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 respondents have the right to be represented by legal counsel at the hearing.

IN TESTIMONY WHEREOF, witness my hand and seal this 15<sup>th</sup> day of  
November, 2002.



  
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Karen J. Tyler, Securities Commissioner  
Office of the Securities Commissioner  
600 East Boulevard Ave.  
State Capitol – Fifth Floor  
Bismarck, ND 58505-0510  
(701) 328-2910

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**AFFIDAVIT OF SERVICE BY MAIL**

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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, November 1, 2002, 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:

**CEASE AND DESIST ORDER, NOTICE OF CIVIL PENALTY, AND  
NOTICE OF RIGHT TO REQUEST A HEARING**

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

Nicholas A. Fegen  
Fegen & Associates  
675 Southfork Drive  
Waukee, IA 50263

Peter C. Klomka  
Legend Mobile  
455 E. Eisenhower, Suite 15  
Ann Arbor, MI 48108

Peter C. Klomka  
Legend Mobile  
2311 E. Stadium, #105  
Ann Arbor, MI 48105

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  
Jacqui Ferderer

Subscribed and sworn to before me on this 1 day of November, 2002.

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

DIANE B.G. KAMBEITZ  
Burleigh County, State of North Dakota  
My Commission Expires April 25, 2006  
STATE OF NORTH DAKOTA  
Notary Public Seal