

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

BEFORE THE
SECURITIES COMMISSIONER

In the Matter of)
Richard Tomitz)
Respondent.)

CONSENT ORDER

.....
The North Dakota Securities Commissioner (hereinafter "Commissioner") has advised the Respondent that he is prepared to commence formal legal action pursuant to North Dakota Century Code Chapter 10-04 and has determined as follows:

1. On January 29, 1997, Respondent, Richard Tomitz, an employee of Royce Investment Group, solicited the purchase of stock in Noble Drilling Corp. to David Gene Saylor, a North Dakota resident, while Mr. Tomitz was not registered as a salesman under North Dakota law. This offer and sale was done in violation of NDCC §10-04-10(2).
2. David Gene Saylor, complainant in this matter, has also alleged that Mr. Tomitz executed unauthorized trades in his securities account and has used his margin account when not authorized to do so, but the Commissioner has not made a determination as to the truthfulness of those allegations.
3. Pursuant to NDCC §10-04-16, whenever it shall appear to the Commissioner that any person has engaged in, or is engaging in, or is about to engage in any act or practice which is declared illegal in Ch. 10-04 of the North Dakota Century Code, the Commissioner may, in his discretion issue any order and collect civil penalties against any person found in an administrative action to have violated any provision of the chapter in an amount not to exceed \$10,000 for each violation.
4. The violation described in number 1 above constitutes sufficient grounds for the Commissioner to impose of civil penalties under Ch. 10-04 of the North Dakota Century Code.
5. Respondent waives the right to a hearing in this matter and to present arguments to the Commissioner.
6. Respondent acknowledges the right to be represented by legal counsel throughout this proceeding, and has agreed to an informal disposition of this matter, without a hearing.

7. The following Order is necessary and appropriate in the public interest.

NOW, THEREFORE, IT IS ORDERED, THAT:

1. Within 10 days of the effective date of this order, Respondent, Richard Tomitz, shall withdraw his salesman registration in North Dakota and shall not re-apply to be registered as a salesman for 1 year from the date of this order. Respondent, Richard Tomitz, shall not transact any securities business with any person in North Dakota unless registered as a salesman or properly exempted under Ch. 10-04 of the North Dakota Century Code.
2. On or before the effective date of this order, respondent shall pay a civil penalty of \$1000 to the Office of the Securities Commissioner pursuant to NDCC §10-04-16.
3. Respondent, by and through Royce Investment Group, is ordered to make an offer of rescission to David Gene Sayler, a North Dakota resident, pursuant to NDCC §10-04-17.
4. This Order shall be effective upon signature of the Commissioner.

Dated at Bismarck, North Dakota, on July 21, 1997.



Cal Hoovestol
CAL HOOVESTOL
SECURITIES COMMISSIONER
STATE CAPITOL-5TH FLOOR
600 EAST BOULEVARD AVE.
BISMARCK, ND 58505-0510
(701) 328-2910

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**CONSENT TO ENTRY
OF ORDER**

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The undersigned, Richard Tomitz, states that he has read the foregoing Consent Order; that he knows and fully understands the contents and effects of that Consent Order; that he has waived his rights to a hearing with respect to this matter; and that he consents to entry of the Consent Order by the Securities Commissioner. It is further expressly understood that the Consent Order constitutes the entire settlement agreement between the parties hereto, there being no other promises or agreements, either expressed or implied.

Dated this 11 day of July, 1997.

Richard Tomitz

By: Richard Tomitz
(Type or Print Name)

Signed: Richard Tomitz