

STATE OF NORTH DAKOTA

BEFORE THE

COUNTY OF BURLEIGH

SECURITIES COMMISSIONER

In the Matter of Tri-West Investment )  
Club and Wesley Leroy Hiller, )  
 )  
Respondents. )

**CONSENT ORDER**

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The North Dakota Securities Commissioner has determined, and the Respondent, Wesley Leroy Hiller, admits, as follows:

1. On May 14, 2001, the North Dakota Securities Commissioner issued a Cease and Desist Order in the above captioned matter based on the fact that Wesley Leroy Hiller sold investments in the Tri-West Investment Club investment scheme to 10 investors. The list of investors and amounts invested are attached hereto and incorporated herein, by reference.
2. Each solicitation was made in violation of section 10-04-04 N.D.C.C. because the Tri-West investment scheme was not registered as a security in North Dakota, nor does the program qualify for any exemption from the securities registration provisions of the Securities Act.
3. Each solicitation was made in violation of section 10-04-10 N.D.C.C. because Wesley Leroy Hiller was not registered as an agent in North Dakota, nor did the transaction constitute an exempt transaction under the Securities Act.
4. Each solicitation was made in violation of section 10-04-15 N.D.C.C. because the program, as a whole, is a scheme or artifice to defraud investors or potential investors. Hiller knew or should have known that the program was a scheme to defraud investors.

5. Pursuant to section 10-04-16 N.D.C.C., when 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 this chapter, 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.
6. The violations described above are sufficient grounds for the Commissioner to assess civil penalties against respondents pursuant to section 10-04-16 N.D.C.C.
7. Respondent, Wesley Leroy Hiller, has admitted the facts contained in this Order, and enters into this Order willingly. Respondent, Wesley Leroy Hiller, acknowledges his right to a hearing regarding this matter to present arguments before the Commissioner, and has waived his right to a hearing regarding this matter.
8. The following Order is necessary and appropriate in the public interest.

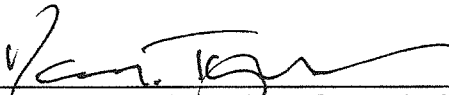
**NOW, THEREFORE, IT IS ORDERED, THAT:**

1. Respondent, Wesley Leroy Hiller, shall pay to the Securities Commissioner, pursuant to section 10-04-16 N.D.C.C., a civil penalty in the amount of \$10,000. The penalty shall be paid as follows:
  - a. \$50 per month due and payable on the first of each month beginning with January 1, 2004 and continuing through December 31, 2004.
  - b. \$350 per month due and payable on the first of each month beginning with January 1, 2005 and continuing until the entire civil penalty is paid.

- c. Respondent, Wesley Leroy Hiller, can prepay at any time, without penalty.
  - d. Payment can be made within fifteen days after the due date (grace period) without any penalty to the respondent. If payment is not made within that grace period, respondent shall be in default and all funds still owing are immediately due and payable.
  - e. Until such time as all of the investors, as listed on the attachment, have received a return of their investments, plus interest as set forth in Section 10-04-17 N.D.C.C., whether pursuant to this provision or otherwise, the civil penalties described above shall be deposited into the Investor Restitution Fund, for the purpose of returning investment moneys to the investors.
2. Respondent, Wesley Leroy Hiller, agrees to cooperate with any investigation by the Securities Commissioner or any law enforcement agency, regardless of jurisdiction, and shall willingly and openly and truthfully testify in any proceeding, be it administrative, civil or criminal in nature.
  3. Respondent, Wesley Leroy Hiller, shall and herein do acknowledge liability, pursuant to Section 10-04-17 N.D.C.C., to each of the persons they solicited. Respondent, Wesley Leroy Hiller, shall not contest any civil claim of liability to any of those persons based on any denial of applicability of that statute, or that the facts of this case do not give rise to a claim under that statute.
  4. The Cease and Desist Order, as issued on May 14, 2001, shall remain in effect, and any violations of that Order can be pursued without any regard to this Consent Order.
  5. This Order shall be effective upon signature of the Commissioner.

IN TESTIMONY WHEREOF, witness my hand and seal this 15<sup>th</sup> day of  
March, 2004.



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

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CONSENT TO ENTRY  
OF ORDER

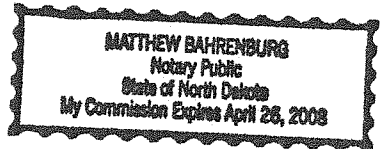
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The undersigned Respondent, Wesley Leroy Hiller, states that he has read the foregoing Consent Order, and that he knows and fully understands its contents and effects. Wesley Leroy Hiller further acknowledges that he has waived his right to a hearing with respect to this matter; and that he consents to the entry of the Consent Order by the Securities Commissioner, and expressly admits the findings of fact and conclusions of law contained therein. 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 12 day of March, 2004.

Wesley L. Hiller  
Wesley L. Hiller  
111 15th Street SE  
Minot, ND 58701

Sworn before me this 12 day of March, 2004.

Matthew Bahrenburg  
, notary public  
State of: \_\_\_\_\_, County: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



**WESLEY HILLER  
TRI-WEST INVESTMENT CLUB  
SUMMARY OF INVESTORS**



<b>Investor</b>	<b>City</b>	<b>State</b>	<b>Amount Invested</b>	<b>Referred By</b>
	Minot	ND	\$ 3,000.00	Wesley Hiller
	Minnewaukan	ND	\$ 5,000.00	Wesley Hiller
	Brook Park	MN	\$ 3,000.00	Wesley Hiller
	Minot	MN	\$ 1,000.00	Wesley Hiller
	Minot	ND	\$ 2,000.00	Wesley Hiller
	Big Cabin	OK	\$ 1,000.00	Wesley Hiller
	Minot	ND	\$ 7,000.00	Wesley Hiller
	Washburn	ND	\$ 5,000.00	Wesley Hiller
	Minot	ND	\$ 15,030.00	Wesley Hiller
	Minot	ND	\$ 5,000.00	Wesley Hiller
<b>Referred 10 Investors</b>			<b>\$ 47,030.00</b>	