

**STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH**

**BEFORE THE  
SECURITIES COMMISSIONER**

In the Matter of )  
U. S. Wireless; Mark Silberman; )  
Harry Kaiser; Sheldon Ziskind )  
and their Officers, Directors, )  
Agents and Employees, )  
Respondents. )

**CONSENT ORDER**

.....  
**WHEREAS**, the North Dakota Securities Commissioner has advised the Respondents that he is prepared to commence formal action pursuant to North Dakota Century Code Chapter 10-04 and has determined as follows:

1. on August 3, 1992 the North Dakota Securities Commissioner issued a Cease and Desist Order against U.S. Wireless, its Officers, Directors, Agents, Servants and Employees alleging Respondents, without first being registered as dealers or salesmen in North Dakota, offered for sale, solicited an order or offer to buy, or sold unregistered securities in North Dakota in the form of investment contracts;
2. U.S. Wireless negotiated with the Office of the Securities Commissioner to revoke the Cease and Desist Order;
3. March 16, 1993 the California Department of Corporations issued a Desist and Refrain Order against Western Wireless, Jeremy James Levin, Mark Silberman aka Marty Silberman and Michael Konrad, but it is Respondent Mark Silberman's position that he never received notice and was not aware of the Order;
4. on August 4, 1993 the Office of the Securities Commissioner agreed to revoke the Cease and Desist Order of August 3, 1992 on the condition that Mark Silberman, President and CEO of U.S. Wireless, execute an affidavit on behalf of U.S. Wireless swearing that U.S. Wireless would not offer or sell securities in North Dakota without registering in accordance with § 10-04-04 N.D.C.C. and U.S. Wireless would pay \$3,500.00 in administrative fees;
5. the Securities Commissioner issued a Order to Revoke the Cease and Desist order of August 3, 1992 on August 6, 1993;
6. in 1990 Sheldon Ziskind, as an agent of Western Wireless, contacted Rocklin Bateman, a North Dakota resident, regarding investments in a wireless cable license application service with Western Wireless;

7. on December 12, 1990 Rocklin Bateman invested \$4,800.00 for application fees and \$310.00 for filing fees with Western Wireless;
8. Western Wireless has filed no applications with the Federal Communications Commission for Mr. Bateman;
9. Sheldon Ziskind was subsequently employed by U.S. Wireless;
10. It is the Respondents position that U.S. Wireless has attempted to file applications with the Federal Communications Commission on behalf of Mr. Bateman, and has charged no additional fees for this service;
11. U.S. Wireless and Mr. Bateman have had contacts with each other since the time of Mr. Bateman's investment with Western Wireless until the present for the purpose of re-filing the applications with the Federal Communications Commission which Western Wireless failed to file;
12. U.S. Wireless subsequently acquired the former address of Western Wireless: 1801 Avenue of the Stars, Suite 640, Los Angeles, CA 90067;
13. Respondents waive their right to a hearing in this matter and to present arguments to the Commissioner;
14. Respondents acknowledge their right to be represented by legal counsel throughout this proceeding, and have agreed to an informal disposition of this matter, without a hearing; and
15. The following Order is necessary and appropriate in the public interest.

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

1. Respondents shall not transact any securities business with any person in North Dakota unless registered as a dealer or properly exempted under Ch. 10-04 N.D.C.C.;
2. Respondents shall not employ any person to represent them as a securities salesman for any securities business with any person in North Dakota unless such person is registered as a salesman or properly exempted under Ch. 10-04 N.D.C.C.;
3. Respondents shall pay a civil penalty of \$100 to the Office of the Securities Commissioner pursuant to § 10-04-16 N.D.C.C.;

4. Respondents immediately shall make a rescission offer in an amount of not less than \$6,010 to:

Rocklin Bateman  
RR 1, Box 87  
New Salem, ND 58563

5. This Order shall be effective upon signature of the Commissioner.

Dated at Bismarck, North Dakota, on this 9<sup>th</sup> day of May, 1996.



Cal Hoovestol  
CAL HOOVESTOL  
SECURITIES COMMISSIONER  
State Capitol-5th Floor  
Bismarck, ND 58505-0510  
(701) 328-2910

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MAY - 9 1996

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CONSENT TO ENTRY  
OF ORDER

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The undersigned, acting on behalf of the Respondents, states that he/she has read the foregoing Consent Order; that he/she knows and fully understands its contents and effects; that he/she is authorized to execute this Consent to Entry of Order on behalf of the Respondents; that Respondents have waived their rights to a hearing with respect to this matter; and that Respondents consent to entry of the Consent Order by the Securities Commissioner without admitting or denying the findings of fact and conclusions of law contained herein. 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 7 day of MAY, 1996.

U. S. Wireless

By: MARK SILBERMAN  
(Type or Print Name)

Signed: Mark Silberman  
Capacity: Pres. U.S. Wireless