



STATE OF MISSOURI  
OFFICE OF SECRETARY OF STATE

IN THE MATTER OF: )  
 )  
GEORGE MYERS, JR, ) Case No. AP-18-09  
 )  
 Respondent. )

**CONSENT ORDER**

1. The Enforcement Section of the Missouri Securities Division of the Office of Secretary of State (“Enforcement Section”), through Enforcement Counsel Derek Green, has alleged that George Myers, Jr. (“Myers” or Respondent) violated Section 409.5-501, RSMo. (2016)<sup>1</sup>, by making untrue statements of material fact and engaging in an act, practice, or course of business that would operate as fraud or deceit upon another person in connection with the offer or sale of a security. This violation constitutes grounds to issue an order pursuant to Section 409.6-604.
2. Respondent and the Enforcement Section desire to settle the allegations and the matters raised by the Enforcement Section relating to the Respondent’s alleged violations of Section 409.5-501.

**CONSENT TO JURISDICTION**

3. Respondent and the Enforcement Section stipulate and agree that the Missouri Commissioner of Securities (“Commissioner”) has jurisdiction over Respondent and these matters pursuant to the Missouri Securities Act of 2003, Chapter 409, *et seq.*
4. Respondent and the Enforcement Section stipulate and agree that the Commissioner has authority to enter this Order pursuant to Section 409.6-604(h), which provides:

“The commissioner is authorized to issue administrative consent orders in the settlement of any proceeding in the public interest under this act.”

**WAIVER AND EXCEPTION**

5. Respondent waives Respondent’s right to a hearing with respect to this matter.

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<sup>1</sup> Unless otherwise noted, all statutory references are to the 2016 Revised Statutes of Missouri.

6. Respondent waives any right that Respondent may have to seek judicial review or otherwise challenge or contest the terms and conditions of this Order. Respondent specifically forever releases and holds harmless the Missouri Office of Secretary of State, Secretary of State, Commissioner, and their respective representatives and agents from any and all liability and claims arising out of, pertaining to, or relating to this matter.
7. Respondent stipulates and agrees with the Enforcement Section that, should the facts contained herein prove to be false or incomplete in a material way, the Enforcement Section reserves the right to pursue any and all legal or administrative remedies at its disposal.

#### CONSENT TO COMMISSIONER'S ORDER

8. Respondent and the Enforcement Section stipulate and agree to the issuance of this Consent Order without further proceedings in this matter, agreeing to be fully bound by the terms and conditions specified herein.
9. Respondent agrees not to take any action or to make or permit to be made any public statement creating the impression that this Order is without factual basis. Nothing in this paragraph affects Respondent's (a) testimonial obligations; (b) right to take legal or factual positions in connection with litigation, arbitration, or other legal proceeding in which the Commissioner is not a party; or (c) right to make public statements that are factual.
10. Respondent agrees that Respondent is not the prevailing party in this action since the parties have reached a good faith settlement.
11. Respondent consents to the Commissioner's Findings of Fact, Conclusions of Law, and Order as set forth below for the purpose of resolving this proceeding and any proceeding that may be brought to enforce the terms of this Consent Order.

#### COMMISSIONER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

##### I. FINDINGS OF FACT

12. Myers is a 44-year-old Missouri resident with a last known address of 3341 West Birchwood Court, Springfield, Missouri 65807. Myers has never been registered as an investment adviser, investment adviser representative, broker-dealer, broker-dealer agent, or issuer agent in Missouri.
13. Ozark Medical Health Ventures, LLC ("Ozark Medical") is a business organized in the state of Missouri on April 25, 2014. Its registered agent is Matthew Myers with a last known address of 399 Tablerock Heights, Hollister, Missouri 65672. Ozark Medical purportedly has an office located at 399 Tablerock Heights, Hollister, Missouri 65672.

### Enforcement Section Investigation

14. In August of 2016, a 67-year-old Springfield, Missouri resident (“MR”) met Myers at a consignment store in Springfield, Missouri.
15. During the visit to the consignment store, Myers described his company, Ozark Medical.
16. Myers stated that Ozark Medical would, among other things, buy medical equipment by the pallet; sell them and place them with Medicare customers; and get paid for the delivery of equipment within 120 days as outlined in the contracts by Medicare.

### MR’s Investments

17. In September of 2016, Myers asked MR to invest in one of his Medicare contracts through Ozark Medical.
18. On September 8, 2016, MR was provided, and signed, a promissory note from Myers.
19. The promissory note stated, among other things, the following:
  - a. MR would loan Myers \$5,000; and
  - b. MR would receive a return of \$12,060 within 90-120 days of Myers receiving a written demand from MR.
20. On September 9, 2016, Myers deposited a \$5,000 check from MR.
21. In October of 2016, Myers asked MR to invest in a second Medicare/Medical Equipment contract.
22. On or around October 14, 2016, MR invested \$7,500 in cash. In exchange, MR was provided and signed a promissory note from Myers. The promissory note stated, among other things, the following:
  - a. MR would loan Myers \$7,500; and
  - b. MR would receive a return of \$26,061 on January 14, 2017.
23. On December 10, 2016, MR signed a Purchase of Business Agreement for 50% of Ozark Medical.
24. In March of 2017, Myers asked MR for a loan of \$10,000 in order for Myers to pay an attorney bill.
25. In exchange for the \$10,000 loan, Myers promised to pay MR \$20,000.

26. In April of 2017, MR loaned Myers \$5,000 for a legal issue.
27. In exchange for the \$5,000 loan, Myers promised to pay \$10,000.
28. In May of 2017, MR loaned Myers \$10,000.
29. In exchange for the \$10,000 loan, Myers promised to pay MR \$20,000.
30. In total, MR invested \$37,500 and was promised a return of \$88,121. To date, MR has not received any return.

#### Myers' Misstatements and Lulling of MR

31. In February of 2017, Myers asked MR for:
  - a. \$11,000 loan; and
  - b. \$1,600 loan.
32. MR made two payments to Myers: one in February and one in March.
33. Myers stated he would repay MR the \$11,000 and \$1,600 loaned to him.
34. In March of 2017, MR loaned Myers \$1,382.72.
35. Myers stated he would repay the \$1,382.72.
36. In March of 2017, MR loaned Myers \$2,300.
37. Myers stated he would repay the \$2,300.
38. In April of 2017, MR loaned Myers \$3,125.
39. Myers stated he would repay the \$3,125.
40. In June of 2017, MR loaned Myers \$3,100.
41. MR made a cash payment of \$1,700 the first of the month, and \$1,600 cash payment later in the month.
42. Myers promised to repay the \$3,100.
43. Myers lulled MR by requesting personal loans totaling \$22,507.72 to pay for various expenses.

44. To date, MR has not received any return on any of the personal loans.
45. Myers solicited the securities described above alone and without the assistance of others.
46. On February 9, 2016, a Judgment on Dissolution was ordered in case number 15CT-CC01306, granting a dissolution of Myer's marriage and approving a separation and settlement agreement as fair and not unconscionable.
47. On May 31, 2017, in case number 15CT-CC01306, Myer's was held in contempt and found to have willfully, unlawfully, and intentionally failed to comply with the court's judgment entered in February of 2016.

## II. CONCLUSIONS OF LAW

48. The Commissioner finds Respondent made untrue statements of material facts or engaged in an act, practice, or course of business that would operate as fraud or deceit upon another person in connection with the offer or sale of a security in violation of 409.5-501, and that this conduct constitutes grounds to issue an order pursuant to Section 409.6-604.
49. The Commissioner, after consideration of the stipulations set forth above and on the consent of Respondent and the Enforcement Section, finds and concludes that the Commissioner has jurisdiction over Respondent and this matter and that the following Order is in the public interest, necessary for the protection of public investors and consistent with the purposes intended by Chapter 409.

## III. ORDER

**NOW, THEREFORE,** it is hereby Ordered that:

50. Respondent is permanently enjoined and restrained from engaging in violations of Section 409.5-501.
51. Respondent is hereby **BARRED**, effective immediately, from registration as an investment adviser, investment adviser representative, broker-dealer, or agent in the state of Missouri.
52. Respondent shall pay \$88,121 in restitution. This amount shall be paid in monthly installments of \$500 for a period of 96 months. Respondent's monthly payments shall be due on the first of each month beginning March 1, 2019 and ending February 1, 2027. An additional \$5,000 shall be paid in yearly installments for a period of 7 years. Respondent's yearly payments shall be due on the first of the year each year beginning March 1, 2020 and ending March 1, 2027. On March 1, 2027, the remaining unpaid amount of \$121 shall be paid. The restitution payment schedule is attached as Exhibit A. All pending amounts shall become due immediately upon the sooner of (1) Respondent's noncompliance with

the terms of this Consent Order, or (2) a finding, after notice and opportunity for a hearing, by the Commissioner or a court of competent jurisdiction, that Respondent has violated the Missouri Securities Act. Such immediately due payments shall be in addition to all other penalties then available under the law. The payments shall be made payable to the Missouri Secretary of State's Investor Restitution Fund and sent to the Missouri Securities Division at 600 West Main Street, Jefferson City, Missouri 65101.

53. Respondent shall pay \$15,000 to the Missouri Secretary of State's Investor Education and Protection Fund. Of this amount, \$5,000 shall be paid in monthly installments of \$200 for a period of 25 months. Respondent's monthly payments shall be due on the first day of each month beginning March 1, 2019 and ending March 1, 2021. The remaining \$10,000 shall be suspended provided Respondent complies with the terms of this Consent Order and does not violate the Missouri Securities Act for a period of 10 years from the date of execution of this Consent Order. All suspended and pending amounts shall become due immediately upon the sooner of (1) Respondent's noncompliance with the terms of this Consent Order, or (2) a finding, after notice and opportunity for a hearing, by the Commissioner or a court of competent jurisdiction, that Respondent has violated the Missouri Securities Act. Such immediately due payments shall be in addition to all other penalties then available under the law. The payments shall be made payable to the Missouri Investor Education and Protection Fund and sent to the Missouri Securities Division at 600 West Main Street, Jefferson City, Missouri 65101.
54. Respondent shall pay \$2,500 as the cost of this investigation. This amount shall be suspended provided Respondent complies with the terms of this Consent Order and Respondent does not violate the Missouri Securities Act for a period of 10 years from the date of execution of this Consent Order. This suspended amount shall become due immediately upon the sooner of (1) Respondent's noncompliance with the terms of this Consent Order, or (2) a finding, after notice and opportunity for a hearing, by the Commissioner or a court of competent jurisdiction, that Respondent has violated the Missouri Securities Act. Such immediately due payments shall be in addition to all other penalties then available under the law. The payment shall be made payable to the Missouri Investor Education and Protection Fund and sent to the Missouri Securities Division at 600 West Main Street, Jefferson City, Missouri 65101.
55. Respondent shall pay his own costs and attorneys' fees with respect to this matter.
56. The terms and conditions of this Consent Order are limited to Respondent Myers.

**SO ORDERED:**

WITNESS MY HAND AND OFFICIAL SEAL OF MY OFFICE AT JEFFERSON CITY,  
MISSOURI THIS 7th DAY OF SEPTEMBER, 2018.




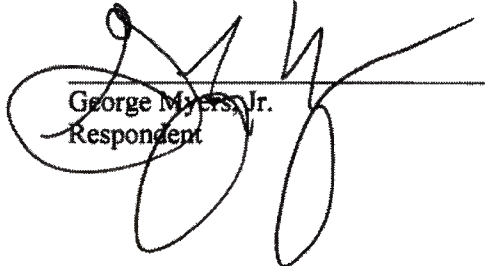
JOHN R. ASHCROFT  
SECRETARY OF STATE

  
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DAVID M. MINNICK  
COMMISSIONER OF SECURITIES

Consented to by:

THE ENFORCEMENT SECTION OF THE  
MISSOURI SECURITIES DIVISION

  
\_\_\_\_\_  
Derek Green  
Enforcement Counsel  
Counsel for Petitioner

  
\_\_\_\_\_  
George Myers, Jr.  
Respondent