

State of Missouri
Office of Secretary of State

Case No. AP-08-08

IN THE MATTER OF:

SUPERIOR MANUFACTURING, INC.;
KEVIN WESLEY GROSS; and WENDY
GROSS,

Respondents.

Serve all Respondents at:

3719 Ridgedale Road
Ridgedale, Missouri 65739

**FINAL ORDER TO CEASE AND DESIST AND
ORDER IMPOSING CIVIL PENALTIES AND COSTS**

On the 16th day of April, 2008, the Enforcement Section of the Securities Division, by and through Lori Neidel, Chief Enforcement Counsel, submitted a Petition for Final Order (the "Petition"). After reviewing the Petition, the Commissioner issues the following Final Order imposing costs and civil penalties:

1. On February 1, 2008, the Missouri Commissioner of Securities issued an Order to Cease and Desist and Order to Show Cause Why Civil Penalties and Costs Should not be Imposed. On that same date, notice and a copy of such Order were sent to all Respondents, by Certified U.S. Mail, pursuant to Section 409.6-604(b), RSMo. (Cum. Supp. 2007).
2. On February 25, 2008, notices and copies of the Order to Cease and Desist and Order to Show Cause Why Civil Penalties and Costs Should Not Be Imposed sent to Respondents were returned "unclaimed" to the Commissioner.
3. On February 25, 2008, the Commissioner was served with process pursuant to Section 409.6-611(b), RSMo. (Cum. Supp. 2007). On that same date, notices of service and copies of the process were sent to Respondents, via Registered U.S. Mail, to their last known addresses.
4. On February 29, 2008, notices of the service described in paragraph 3 above, with an additional notice and copy of the Order to Cease and Desist and Order to Show Cause Why Civil Penalties and Costs Should Not Be Imposed, sent to all Respondents, were returned "refused" to the Commissioner.
5. On March 18, 2008, Ms. Neidel, on behalf of the Enforcement Section, delivered to the Commissioner an electronic mail message preemptively waiving any objection to an as-yet-to-be-filed request for extension of time to file a request for hearing by the Respondents in this matter. In her communication, Ms. Neidel noted that she had

discussed terms of settlement with the Respondents and their counsel, and that she was in the process of preparing an agreement.

6. As of the date of this Order, no one has entered an appearance on behalf of any Respondent and the Commissioner has received no contact or communication from any Respondent.
7. In the Petition the Enforcement Section of the Securities Division requested a Final Order to Cease and Desist as to all Respondents in this matter.
8. In its Petition the Enforcement Section of the Securities Division requested that Respondents pay, jointly and severally, the costs of investigation in this matter in the amount of seven thousand three hundred thirty dollars (\$7,330).
9. In its Petition the Enforcement Section of the Securities Division requested the Commissioner issue an Order imposing a civil penalty of \$10,000 against each Respondent for multiple violations of selling unregistered securities under Section 409.5-501(2), RSMo. (Supp. 2007).
10. In its Petition the Enforcement Section of the Securities Division requested the Commissioner issue an Order imposing a civil penalty of \$10,000 against each Respondent for multiple violations of making untrue statements of material fact under Section 409.5-501(3), RSMo. (Supp. 2007).

ORDER

NOW, THEREFORE, it is hereby ordered that:

- A. The Cease and Desist Order entered in Case Number AP-08-08 on February 1, 2008, is **FINAL** as to all Respondents.
- B. Pursuant to Section 409.6-604(d), RSMo., each of the Respondents shall pay, within thirty (30) days from the date of service of this Order, a separate sum of five thousand dollars (\$5,000) to the State of Missouri as civil penalties for multiple violations of Sections 409.5-501, RSMo. (Supp. 2007). This amount shall be sent to the Secretary of State and made payable to the State of Missouri, and the Secretary of State shall forward these funds to the state treasury for the benefit of county and township school funds as provided in Article IX, Section 7 of the Constitution of Missouri. Respondents shall deliver this payment to the Securities Division, 600 W. Main Street, PO Box 1276, Jefferson City, Missouri 65102.
- C. Pursuant to Section 409.6-604(e), RSMo., the Respondents shall pay, within thirty (30) days from the date of this Order, the additional sum of seven thousand three hundred thirty dollars (\$7,330) as reimbursement for the costs of the investigation and administration of this matter. Respondents shall be jointly and severally liable for this amount. This amount shall be sent to the Secretary of State and made payable to the Missouri Secretary of State's Investor Education and Protection Fund. Respondents shall deliver this payment to the Securities Division, 600 W. Main Street, PO Box 1276, Jefferson City, Missouri 65102.
- D. Pursuant to Section 409.6-604(f), RSMo., this matter shall be referred to the Missouri Attorney General's Office to collect the fines and costs described in this Final Order,

as necessary.

E. This Order is in the public interest and is consistent with the purposes intended by the Missouri Securities Act of 2003.

SO ORDERED.

WITNESS MY HAND AND OFFICIAL SEAL OF MY OFFICE AT JEFFERSON CITY,
MISSOURI THIS 24th DAY OF APRIL, 2008.

ROBIN CARNAHAN
SECRETARY OF STATE

(Signed/Sealed)
MATTHEW D. KITZI
COMMISSIONER OF SECURITIES

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of April, 2008, copies of the foregoing Final Order in the above styled case was **mailed by certified U.S. Mail, postage prepaid, to:**

Superior Manufacturing, Inc.
3719 Ridgedale Road
Ridgedale, Missouri 65739

Kevin Wesley Gross
3719 Ridgedale Road
Ridgedale, Missouri 65739

Wendy Gross
3719 Ridgedale Road
Ridgedale, Missouri 65739

And hand-delivered to:

Lori Neidel
Chief Enforcement Counsel
Securities Division

John Hale
Specialist