

State of Missouri
Office of Secretary of State

Case No. AP-09-33

IN THE MATTER OF:

ARMOD L HINKLE; *and*
GINA M HINKLE,

Respondents.

Serve Armod Hinkle at:
2551 Ashley Phosphate Road
North Charleston, SC 29418

**FINAL ORDER TO CEASE AND DESIST AND ORDER IMPOSING CIVIL
PENALTIES AND AWARDED COSTS AS TO RESPONDENT ARMOD HINKLE**

On April 27, 2011, the Enforcement Section of the Securities Division of the Office of Secretary of State (the "Enforcement Section"), by and through Chief Enforcement Counsel, Nathan Soendker, submitted a Motion for Default Judgment and Petition for Final Order to Cease and Desist and Recommendations for Payment of Civil Penalties and Costs (the "Petition"). After reviewing the Petition, the Commissioner issues the following findings of facts, conclusion of law, and order:

PROCEDURAL BACKGROUND

1. On September 3, 2009, Petitioner submitted the Petition for Order to Cease and Desist and Order to Show Cause Why Civil Penalties and Costs Should Not Be Imposed (the "C&D Petition") in the above-styled matter.
2. On September 22, 2009, the Commissioner issued an Order to Cease and Desist and Order to Show Cause Why Civil Penalties and Costs Should Not Be Imposed (the "C&D Order").
3. On October 26, 2009, Respondent Armod L. Hinkle ("Respondent A. Hinkle") requested a hearing in this matter.
4. On February 15, 2011, after due and proper notice, the hearing requested by Respondent A. Hinkle was held. However, neither he nor his counsel appeared and a continuance was not requested.
5. At hearing, Petitioner moved the Commissioner to make final the September 22, 2009, Order as to Respondent A. Hinkle, and to order civil penalties and impose the costs of investigation.
6. At hearing, the Commissioner requested that the Enforcement Section submit a recommendation as to civil penalties and costs.
7. In the Petition, the Enforcement Section requested a Final Order to Cease and Desist in this matter.
8. In the Petition, the Enforcement Section requested that the Commissioner issue an order imposing a civil penalty of five thousand dollars (\$5,000) against Respondent Armod L. Hinkle for multiple violations of Section 409.3-301, RSMo. (Cum. Supp. 2009).
9. In the Petition, the Enforcement Section requested that the Commissioner issue an order imposing a civil penalty of five thousand dollars (\$5,000) against Respondent Armod L. Hinkle for multiple violations of Section 409.4-402(a), RSMo. (Cum. Supp. 2009).
10. In the Petition, the Enforcement Section requested that the Commissioner issue an order imposing a civil penalty of ten thousand dollars (\$10,000) against Respondent Armod L. Hinkle for multiple violations of Section 409.5-501, RSMo. (Cum. Supp. 2009).
11. In the Petition, the Enforcement Section requested that the Commissioner issue an order requiring Respondent Armod L. Hinkle to pay the costs of the investigation in this matter in the amount of six thousand seven hundred and fifteen dollars (\$6,715).

FINDINGS OF FACT

12. The Commissioner adopts and incorporates the Findings of Fact, paragraphs 1 – 16, and paragraphs 18-38 in the C&D Order, as to Respondent Armod L. Hinkle.

CONCLUSION OF LAW

13. The Commissioner adopts and incorporates the Conclusions of Law in the C&D Order paragraphs 51 – 73 as to Respondent Armod L. Hinkle.
14. This Order is in the public interest and consistent with the purposes intended by the Missouri Securities Act of 2003.

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ORDER

NOW THEREFORE it is hereby **ORDERED** that:

- A. The Cease and Desist Order entered in Case Number AP-09-33 on September 22, 2009, is **FINAL** as to Respondent Armod L. Hinkle.
- B. Pursuant to Section 409.6-604(d), RSMo. (Cum. Supp. 2009), Respondent Armod L. Hinkle shall pay a civil penalty in the amount of five thousand dollars (\$5,000), to the State of Missouri for multiple violations of Section 409.3-301, RSMo. (Cum. Supp. 2009). This amount shall be made payable to the State of Missouri and paid within thirty (30) days of the date of this Order. 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. Respondent Armod L. Hinkle shall deliver this payment to the Securities Division, 600 W. Main Street, P.O. Box 1276, Jefferson City, Missouri 65102.
- C. Pursuant to Section 409.6-604(d), RSMo. (Cum. Supp. 2009), Respondent Armod L. Hinkle shall pay a civil penalty in the amount of two thousand five dollars (\$2,500) to the State of Missouri for multiple violations of Section 409.4-402(a), RSMo. (Cum. Supp. 2009). This amount shall be made payable to the State of Missouri and paid within thirty (30) days of the date of this Order. 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. Respondent Armod L. Hinkle shall deliver this payment to the Securities Division, 600 W. Main Street, P.O. Box 1276, Jefferson City, Missouri 65102.
- D. Pursuant to Section 409.6-604(d), RSMo. (Cum. Supp. 2009), Respondent Armod L. Hinkle shall pay a civil penalty in the amount of ten thousand dollars (\$10,000) to the State of Missouri for multiple violations of Section 409.5-501, RSMo. (Cum. Supp. 2009). This amount shall be made payable to the State of Missouri and paid within thirty (30) days of the date of this Order. 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. Respondent Armod L. Hinkle shall deliver this payment to the Securities Division, 600 W. Main Street, P.O. Box 1276, Jefferson City, Missouri 65102.
- E. Pursuant to Section 409.6-604(e), RSMo. (Cum. Supp. 2009), Respondent Armod L. Hinkle shall pay, within thirty (30) days from the date of this Order, the addition sum of six thousand seven hundred and fifteen dollars (\$6,715) as reimbursement for costs of the investigation and administration of this matter. This amount shall be made payable to the Missouri Secretary of State's Investor Education and Protection Fund. Respondent Armod L. Hinkle shall deliver this payment to the Securities Division at 600 West Main Street, P.O. Box 1276, Jefferson City, Missouri 65102.
- F. Pursuant to Section 409.6-604(f), RSMo. (Cum. Supp. 2009), this matter shall be referred to the Missouri Attorney General's Office to collect the penalties and costs described in this Order, as necessary.
- G. Respondents shall pay their own costs and attorney's fees with respect to this matter.

SO ORDERED:

WITNESS MY HAND AND OFFICIAL SEAL OF MY OFFICE AT JEFFERSON CITY, MISSOURI THIS 29TH DAY OF JUNE, 2011.

ROBIN CARNAHAN
SECRETARY OF STATE

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

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of June, 2011, a copy of the foregoing Final Order to Cease and Desist in the above styled

case was **mailed by U.S. certified mail to:**

Armod Hinkle
2551 Ashley Phosphate Road
North Charleston, SC 29418

And a courtesy copy was sent by U.S. mail to:

Mark D. Schoon
Eckenrode-Maupin
Attorneys at Law
8000 Maryland Ave. – Suite 1300
St. Louis, Missouri 63105
FORMER ATTORNEY FOR RESPONDENT ARMOD L. HINKLE

and hand delivered to:

Kristine Sonnett-Kauffman
Acting Chief Enforcement Counsel
Missouri Securities Division

John Hale, Specialist