

**FILED DISTRICT COURT**  
Third Judicial District

JUL 17 2006  
SALT LAKE COUNTY

CHARLENE BARLOW, Bar No. 0212  
Assistant Attorney General  
MARK L. SHURTLEFF, Bar No. 4666  
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By \_\_\_\_\_  
Deputy Clerk

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IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR  
SALT LAKE COUNTY, STATE OF UTAH

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THE STATE OF UTAH, : Bail \$ \_\_\_\_\_

Plaintiff, :

**CRIMINAL INFORMATION**

vs. :

**JENNIFER ROBYN BURKINSHAW,** :  
**aka ROBYN JENNIFER BURKINSHAW** :  
**aka J ROBYN BURKINSHAW,** :

Case No 061904589

Judge \_\_\_\_\_

Defendant. :

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The undersigned, DAVE HERMANSEN, upon oath, states on information and belief that the defendant has committed the following crimes:

**SECURITIES FRAUD**  
**a second degree felony, 6 counts**

**COUNT 1**  
**SECURITIES FRAUD**  
**a second degree felony**

Commencing on or about April 2004, in the State of Utah, County of Salt Lake, the defendant, in connection with the offer or sale of a security, directly or indirectly, to **Tyler Filby**, made untrue statements of material facts or omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or engaged in an act, practice, or course of business which operated or would operate as a fraud or deceit, in violation of Utah Code Ann. §§61-1-1 and 61-1-21. This violation is a second degree felony under Utah Law.

**COUNT 2**  
**SECURITIES FRAUD**  
**a second degree felony**

Commencing on or about June 2004, in the State of Utah, County of Salt Lake, the defendant, in connection with the offer or sale of a security, directly or indirectly, to **Rosemary Stafford**, made untrue statements of material facts or omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or engaged in an act, practice, or course of business which operated or would operate as a fraud or deceit, in violation of Utah Code Ann. §§61-1-1 and 61-1-21. This violation is a second degree felony under Utah Law.

**COUNT 3**  
**SECURITIES FRAUD**  
**a second degree felony**

Commencing on or about June 2004, in the State of Utah, County of Salt Lake, the defendant, in connection with the offer or sale of a security, directly or indirectly, to **Danny Hall**, made untrue statements of material facts or omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or engaged in an act, practice, or course of business which operated or would operate as a fraud or deceit, in violation of Utah Code Ann. §§61-1-1 and 61-1-21. This violation is a second degree felony under Utah Law.

**COUNT 4**  
**SECURITIES FRAUD**  
**a second degree felony**

Commencing on or about June 2004, in the State of Utah, County of Salt Lake, the defendant, in connection with the offer or sale of a security, directly or indirectly, to **Danny Hall**, made untrue statements of material facts or omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or engaged in an act, practice, or course of business which operated or would operate as a fraud or deceit, in violation of Utah Code Ann. §§61-1-1 and 61-1-21. This violation is a second degree felony under Utah Law.

**COUNT 5**  
**SECURITIES FRAUD**  
**a second degree felony**

Commencing on or about September 2004, in the State of Utah, County of Salt Lake, the defendant, in connection with the offer or sale of a security, directly or indirectly, to **Erin Hawkins**, made untrue statements of material facts or omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or engaged in an act, practice, or course of business which operated or would operate as a fraud or deceit, in violation of Utah Code Ann. §§61-1-1 and 61-1-21. This violation is a second degree felony under Utah Law.

**COUNT 6**  
**SECURITIES FRAUD**  
**a second degree felony**

Commencing on or about September 2004, in the State of Utah, County of Salt Lake, the defendant, in connection with the offer or sale of a security, directly or indirectly, to **Gail Sweeney**, made untrue statements of material facts or omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or engaged in an act, practice, or course of business which operated or would operate as a fraud or deceit, in violation of Utah Code Ann. §§61-1-1 and 61-1-21. This violation is a second degree felony under Utah Law.

DATED this 17 day of July, 2006

Dave Hermansen  
DAVE HERMANSEN, Affiant

SUBSCRIBED AND SWORN to before me  
On this 17 day of July,  
2006.

[Signature]  
Judge, Third District Court



This CRIMINAL INFORMATION is based upon evidence from the

following witnesses:

1. Gail Sweeney
2. Tyler Filby
3. Danny Hall
4. Erin Hawkins
5. Rosemary Stafford
6. Earl Dorius
7. And others.

UTAH  
I CERTIFY THAT THIS IS A TRUE COPY OF  
AN ORIGINAL DOCUMENT ON FILE IN THE  
THIRD DISTRICT COURT, SALT LAKE  
COUNTY, STATE OF UTAH.  
DATE JULY 17 2006  
[Signature]  
DEPUTY COURT CLERK

AUTHORIZED FOR PRESENTMENT AND FILING this 13<sup>th</sup> day of  
July, 2006.

MARK L. SHURTLEFF  
Utah Attorney General

By: Charlene Barlow  
CHARLENE BARLOW  
Assistant Attorney General

**FILED DISTRICT COURT**  
Third Judicial District

JUL 17 2006

SALT LAKE COUNTY

By \_\_\_\_\_ Deputy Clerk

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**Attorneys for Plaintiff**

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR  
SALT LAKE COUNTY, STATE OF UTAH

THE STATE OF UTAH. : **AFFIDAVIT OF**  
 : **PROBABLE CAUSE**  
 Plaintiff, :

vs. :  
**JENNIFER ROBYN BURKINSHAW**  
 aka **ROBYN JENNIFER BURKINSHAW**  
 aka **J ROBYN BURKINSHAW** :

Case No. 06 1904589

Judge \_\_\_\_\_

Defendant. :

STATE OF UTAH )  
 :SS  
COUNTY OF SALT LAKE )

I, DAVE HERMANSEN, being first duly sworn upon oath, depose and state the following:

1. I am an Investigator for the State of Utah, Department of Commerce, Division of Securities. I have been employed in this capacity for the past fifteen years. My investigative work has consisted of brokerage firm audits and investigations involving securities fraud. I have also been employed in the private sector of the securities industry for an additional eight years. I am a graduate of Weber State University.

2. This case was opened by the Utah Division of Securities ("Division") on May 25, 2005 to investigate a complaint filed by Gail Sweeney against Robyn Jennifer Burkinshaw, defendant.

### **INVESTIGATION BACKGROUND**

3. During the course of this investigation, I have interviewed and/or received information from the following individuals: Gail Sweeney, Ryan Brunisholz, Tyler Filby, Danny Hall, Erin Hawkins, Rosemary Stafford, Earl Dorius (Utah Department of Alcoholic Beverage Control), and others.

4. I have identified and examined the bank records in the name of Rock Star Management, Inc. (U.S. Bank Acct. #1-531-5068-3578).

5. Based upon records on file with the State of Utah, Department of Commerce, Division of Corporations, Rock Star Management, Inc. is owned and controlled by Burkinshaw.

6. Based upon records on file with the State of Utah, Department of Commerce, Division of Corporations, Burkinshaw was also the registered agent and applicant for Club Azure and The Standard Lounge.

7. Based upon records on file with the State of Utah, Department of Commerce, Division of Corporations, the registration for Swank, Inc. expired on December 1, 1996. However, Burkinshaw was never listed as a principal of this entity.

8. During the course of my investigation, I researched the Utah court records regarding Burkinshaw. My research revealed that Burkinshaw had five separate civil actions and judgments entered against her prior to soliciting investors. Furthermore, Burkinshaw had received summons regarding two additional civil actions filed against her during the time period that she solicited investors for funds. These additional actions resulted in final judgments against Burkinshaw. The judgments/filings totaling \$25,127 are as follows:

a.	01-06-01	Spencer Milburn	Judgment	\$1,065
b.	01-07-03	Ford Motor Credit	Judgment	\$7,884
c.	05-29-03	R C Willey	Judgment	\$1,046
d.	08-21-03	Utah Valley Tire	Judgment	\$ 523
e.	12-09-03	Horizon Credit Srv.	Judgment	\$1,150
f.	06-14-04	Legacy Signs & Srv.	Summons/Judgment	\$5,392
e.	08-20-04	B. Scott Satterfield	Summons/Judgment	\$8,067

#### **CASE HISTORY**

9. My investigation has revealed that between April 2004 and September 2004, in Salt Lake County, State of Utah, Burkinshaw solicited \$123,000 from five Utah residents. All but one investor received a promissory note from Burkinshaw to evidence their investments. The annual interest rate yields that were promised were 10, 12, or 15%, with maturities ranging from 10 days to 2 years. Of the \$123,000 invested, Burkinshaw returned only \$1,000 to one investor.

10. All of the investors were told by Burkinshaw that their funds would be used to

open Club Azure and/or The Standard Lounge (liquor clubs located in Salt Lake County) or to pay off debts associated with these two entities.

11. Of the five investors, one was sold an ownership interest in Club Azure by Burkinshaw. The other four investors received promissory notes from Burkinshaw, two of whom also received personal guarantees from Burkinshaw, which all fall within the definition of a security under §61-1-13 of the Utah Uniform Securities Act.

12. In connection with the offer and sale of securities to Utah residents, Burkinshaw willfully failed to disclose material information, which was necessary in order to make the representations made not misleading, including, but not limited to, the following,

a. She failed to tell investors about any of the outstanding civil judgments against her as listed in paragraph 8, above;

b. She had failed to pay prior investors their principal and interest;

c. Some or all of the information typically provided in an offering circular or prospectus regarding Rock Star, Club Azure, The Standard Lounge and Swank, Inc. such as:

- The business and operation history for the subject company;
- Identities of principals in the company along with expertise in this type of business;
- Financial statements for the company;
- The market for the product of the company;
- The nature of the competition for the product;
- Current capitalization of the issuer;

- A description of how the investment would make money;
- The track record of the company to investors;
- Risk factors for investors;
- The number of other investors;
- The minimum capitalization needed to participate in the investment;
- The disposition of any investments received if the minimum capitalization is not achieved;
- The liquidity of the investment;
- Discussion of pertinent suitability factors for the investment;
- The proposed use of investment proceeds;
- Any conflicts of interest the issuer, the principals, or the agent may have with regard to the investment;
- Agent commissions or compensation for selling the investment;
- Whether the investment is a registered security or exempt from registration; and
- Whether the person selling the investment was licensed.

**COUNT 1**  
**SECURITIES FRAUD (a second degree felony)**  
**Tyler Filby**

13. In or about April 2004, in Salt Lake County, State of Utah, Burkinshaw employed Tyler Filby to install video and audio equipment at Club Azure. While working at the club, Burkinshaw told Filby she was in a cash crunch and solicited him to loan her \$10,000 for the purpose of purchasing materials to complete the furnishings for the club. Burkinshaw

promised Filby she would pay him 15% annual interest, make weekly principal payments, and pay him all principal and interest outstanding in 30 days.

14. On or about April 27, 2004, Filby agreed to the terms listed above and issued a cashier's check to Burkinshaw for \$10,000. Burkinshaw did not provide Filby with documentation of the loan.

15. On about May 20, 2004, after Burkinshaw missed two weekly payments, Filby confronted her regarding the payments. Burkinshaw acknowledged the \$10,000 debt, but then solicited Filby to exchange the \$10,000 loan for an 8% ownership interest in Club Azure. Filby concluded that he probably would not get his previously invested money returned as promised; consequently, he agreed to the ownership exchange. Again he was not given any disclosure or ownership documents as promised.

16. After making several demands upon Burkinshaw, Filby received only \$1,000 from his investment in Club Azure.

17. In connection with the offer and sale of an ownership interest in Club Azure to Filby, Burkinshaw willfully failed to disclose information upon which Filby could make an informed investment decision, as described in paragraph 12, above.

**COUNT 2**  
**SECURITIES FRAUD (a second degree felony)**  
**Rosemary Stafford**

18. In or about June 2004, in Salt Lake County, State of Utah, Burkinshaw solicited Rosemary Stafford to loan Rock Star \$30,000 to pay debts incurred by Club Azure. Burkinshaw told Stafford she would receive a promissory note outlining the terms to pay back the principal

plus \$3,600 for interest within 30 days. To further entice Stafford to loan the \$30,000, Burkinshaw stated that she had a commercial loan in place which would provide funds within the next 30 days which would be used to pay off the loan. Burkinshaw told Stafford that she would provide documentation of the commercial loan prior to Stafford making the investment. However, Burkinshaw was unable to obtain the documents. Burkinshaw promised she would provide them shortly after Stafford invested. Stafford has never received the documentation.

19. On or about June 8, 2004, Stafford issued a cashier's check for \$30,000 to Burkinshaw. In return, Stafford received a notarized promissory note with the signature of Burkinshaw which stated that the loan would mature in 30 days and Burkinshaw would pay \$3,600 for interest.

20. In connection with the offer and sale of a security (promissory note) to Stafford, Burkinshaw willfully failed to disclose information upon which Stafford could make an informed investment decision, as described in paragraph 12, above. In addition, Burkinshaw failed to disclose to Stafford that she had defaulted on a loan from Filby, as described in Count 1, above.

21. On August 5, 2004, Stafford sued Rock Star in Utah's Third Judicial Court (Case #040916452) and obtained a default judgment on November 4, 2004 in the amount of \$34,977.50. To date, Stafford has not received any return from her investment.

**COUNT 3**  
**SECURITIES FRAUD (a second degree felony)**  
**Danny Hall**  
*(First Investment)*

22. In or about June 2004, in Salt Lake County, State of Utah, Burkinshaw solicited

Danny Hall to invest \$10,000 in Swank, Inc. for the purpose of starting a new liquor bar entitled The Standard Lounge. Burkinshaw told Hall that she would give him a promissory note which would outline the terms to pay him 15% annual interest, and would pay him the principal and interest in two months.

23. On or about June 19, 2004, Hall issued Burkinshaw a check for \$10,000. In return, Burkinshaw gave Hall a promissory note based upon the terms listed above.

24. Hall has received no return in principal or interest from his loan to Swank, Inc.

25. In connection with the offer and sale of a security (promissory note) to Hall, Burkinshaw willfully failed to disclose information upon which Hall could make an informed investment decision, as described in paragraph 12, above. In addition, Burkinshaw failed to disclose to Hall that she had defaulted on loans to Filby and Stafford, as described in Counts 1 and 2, above.

**COUNT 4**  
**SECURITIES FRAUD (a second degree felony)**  
**Danny Hall**  
*(Second Investment)*

26. On or about June 22, 2004, in Salt Lake County, State of Utah, Burkinshaw solicited Danny Hall for a second investment of \$10,000 for Swank, Inc. for the purpose of starting a new liquor bar entitled The Standard Lounge. Burkinshaw told Hall that she would give him a promissory note that would pay him 15% annual interest, and would pay him the principal and interest in two months.

27. On or about June 23, 2004, Hall issued Burkinshaw a check for \$10,000. In return, Burkinshaw gave Hall a promissory note based upon the terms listed above. In addition,

Burkinshaw personally guaranteed the loan.

28. In connection with the offer and sale of a security (promissory note) to Hall, Burkinshaw willfully failed to disclose certain material information upon which Hall could make an informed investment decision, as described in paragraph 12, above. In addition, Burkinshaw failed to disclose to Hall that she had defaulted on loans to Filby and Stafford, as described in Counts 1 and 2, above.

29. On May 31, 2005, Hall obtained a default judgment against Burkinshaw, in Utah's Third Judicial Court (Case #040922901) for \$\$22,545.42 for this investment and his investment listed in Count 3, above. To date, Hall has not received any return from his investments.

**COUNT 5**  
**SECURITIES FRAUD (a second degree felony)**  
**Erin Hawkins**

30. In or about September 2004, in Salt Lake County, State of Utah, Burkinshaw solicited Erin Hawkins to loan Burkinshaw \$10,000 for the purpose of paying expenses incurred by The Standard Lounge. Burkinshaw told Hawkins she would be repaid the principal within ten days and receive \$1,000 in interest.

31. On or about September 27, 2004, Hawkins gave Burkinshaw a \$10,000 cashier's check. In return, Burkinshaw gave a promissory note which personally guaranteed repayment based upon the terms stated above.

32. In connection with the offer and sale of a security (promissory note) to Hawkins, Burkinshaw willfully failed to disclose certain material information upon which Hawkins could make an informed investment decision, as described in paragraph 12, above. In

addition, Burkinshaw failed to disclose to Hawkins that she had defaulted on loans to Filby, Stafford and Hall as described in Counts 1, 2, 3 and 4, above.

33. To date, Hawkins has not received any return of principal or interest from Burkinshaw.

**COUNT 6**  
**SECURITIES FRAUD (a second degree felony)**  
**Gail Sweeney**

34. In or about September 2004, in Salt Lake County, State of Utah, Burkinshaw solicited Gail Sweeney to invest \$50,000 in The Standard Lounge. During the course of this solicitation, Burkinshaw promised to give Sweeney a promissory note stating that she would receive 10% interest, monthly payments of \$670.00 and would be repaid in full within two years. To further entice Sweeney to get a \$50,000 loan and invest in The Standard Lounge, Burkinshaw agreed to secure the investment with real property (home located in Midvale, Utah) which had equity in excess of her \$50,000 investment.

35. On or about September 27, 2004, Sweeney obtained a loan from the equity in her home and gave Burkinshaw \$50,000 for an investment in The Standard Lounge. Burkinshaw was told that the money came from the home equity. In addition, Burkinshaw requested an additional \$3,000 which Sweeney provided in the form of cash (total investment of \$53,000). In return for Sweeney's investment, Burkinshaw provided a promissory note based upon the terms list in paragraph 34, above.

36. Burkinshaw did not make monthly payments as promised, and did not secure Sweeney's interest with the real property as promised. In fact, records on file at the Salt County

Recorder's Office revealed that Burkinshaw only owned a *quarter* interest in the real property valued at \$155,100 which was not sufficient to secure Sweeney's \$50,000 investment.

37. In connection with the offer and sale of a security (promissory note) to Sweeney, Burkinshaw willfully failed to disclose certain material information upon which Sweeney could make an informed investment decision, as described in paragraph 12, above. In addition, Burkinshaw failed to disclose to Sweeney that she had defaulted on loans to Filby, Stafford and Hall as described in Counts 1, 2, 3 and 4, above.

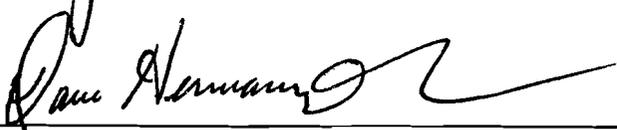
38. Despite efforts to get her money from Burkinshaw, Sweeney has not received any payments for principal and interest.

**SUMMARY**

There is probable cause to believe that the defendant, **JENNIFER ROBYN BURKINSHAW** committed the offense of:

**SECURITIES FRAUD, a second degree felony, 6 counts**

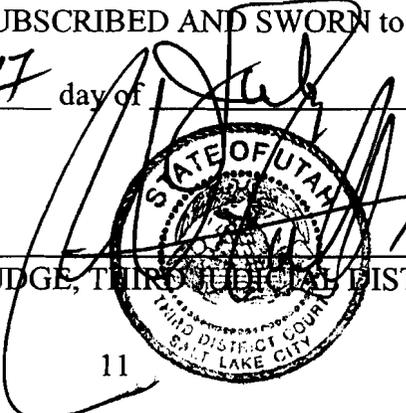
DATED this 17 day of July, 2006

  
\_\_\_\_\_  
DAVE HERMANSEN, AFFIANT

SUBSCRIBED AND SWORN to before me on this 17 day of July, 2006

I CERTIFY THAT THIS IS A TRUE COPY OF AN ORIGINAL DOCUMENT ON FILE IN THE THIRD DISTRICT COURT, SALT LAKE COUNTY, STATE OF UTAH.

DATE: 7/18/06  
\_\_\_\_\_  
DEPUTY COURT CLERK

  
\_\_\_\_\_  
JUDGE, THIRD DISTRICT COURT

**FILED DISTRICT COURT**  
Third Judicial District

JUL 17 2006

By [Signature]  
SALT LAKE COUNTY  
Deputy Clerk

CHARLENE BARLOW, Bar No. 0212  
Assistant Attorney General  
MARK L. SHURTLEFF, Bar No. 4666  
Utah Attorney General  
5272 South College Drive, #200  
Murray, UT 84123  
Telephone: (801) 281-1221  
Facsimile: (801) 281-1224

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR  
SALT LAKE COUNTY, STATE OF UTAH

THE STATE OF UTAH, :

Bail \$ 50,000

Plaintiff, :

**WARRANT OF ARREST**

vs. :

**JENNIFER ROBYN BURKINSHAW,** :  
**aka ROBYN JENNIFER BURKINSHAW** :  
**aka J. ROBYN BURKINSHAW,** :

Case No 061904589

Judge \_\_\_\_\_

Defendant. :

THE STATE OF UTAH TO ANY PEACE OFFICER IN THE STATE OF UTAH,  
G R E E T I N G S:

An Information, upon oath, having been this day made before me by Investigator Dave Hermansen, and it appearing from the Information, or affidavit filed with the Information, that there is probable cause to believe that the public offense of:

**Securities Fraud, a second degree felony, 6 counts, has been**



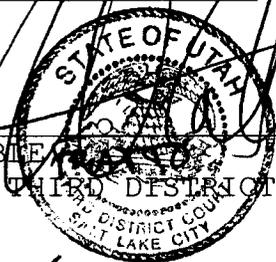
committed, and that the defendant, JENNIFER ROBYN BURKINSHAW, has committed these offenses,

**YOU ARE THEREFORE COMMANDED** to arrest the above named defendant forthwith and bring the defendant before this court, or before the nearest or most accessible magistrate for setting bail. If the defendant has fled justice, you shall pursue the defendant into any other county of this state and there arrest the defendant. The offenses listed above are felonies.

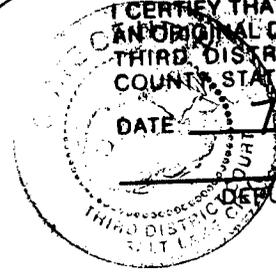
Bail is set in the amount of \$ 50,600.

DATED this 17<sup>th</sup> day of July, 2006

*[Handwritten signature]*  
\_\_\_\_\_  
HONORABLE  
JUDGE, THIRD DISTRICT COURT



I CERTIFY THAT THIS IS A TRUE COPY OF AN ORIGINAL DOCUMENT ON FILE IN THE THIRD DISTRICT COURT, SALT LAKE COUNTY, STATE OF UTAH.



DATE 7-17-06  
\_\_\_\_\_  
DEPUTY COURT CLERK

Defendant's Address:

213 East White Spruce Cove  
Sandy, UT 84070