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Utah Department of Commerce
Division of Securities

Division of Securities
Utah Department of Commerce
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Box 146760
Salt Lake City, UT 84114-6760
Telephone: (801) 530-6600
FAX: (801) 530-6980

BEFORE THE DIVISION OF SECURITIES
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF:

JARED WILLIAM BIRD,

Respondent.

**STIPULATION AND CONSENT
ORDER**

Docket No. 00-07-0097

The Utah Division of Securities (the Division), by and through its Director of Enforcement, Michael Hines, and Jared William Bird hereby stipulate and agree as follows:

1. Jared William Bird was the subject of an investigation conducted by the Division into allegations that they violated certain provisions of the Utah Uniform Securities Act (the Act), Utah Code Ann. § 61-1-1, *et seq.*, as amended.
2. In connection with that investigation, on September 4, 2007, the Division issued an Emergency Cease and Desist Order to Show Cause to Respondent, alleging that he committed securities fraud in connection with the offer and sale of securities in or from Utah.

3. Respondent filed a response to the Order to Show cause, but the parties have now agreed to resolve this matter by way of a stipulation and consent order.
4. Respondent is represented by Attorney Russell Walker of the law firm Woodbury & Kesler in this matter and is satisfied with the representation he has received.
5. Respondent has read the stipulation and consent order, understands its contents and enters into this Stipulation voluntarily. No promises or threats have been made by the Division, nor by any member, officer, agent, or representative of the Division, to induce Respondent to enter into this Stipulation.
6. Respondent waives any right to a hearing to challenge the Division's evidence and present evidence on his behalf.
7. Respondent acknowledges that this agreement does not affect any enforcement action that might be brought by a criminal prosecutor or any other local, state, or federal enforcement authority.
8. Respondent admits the jurisdiction of the Division over him and over the subject matter of this action.

I. THE DIVISION'S FINDINGS OF FACT

THE RESPONDENT

9. Jared William Bird (Bird) resided in Utah at all times relevant to the matters asserted herein. Bird is Brian Kitts' stepson, and a NevWest Corp. employee.¹

GENERAL ALLEGATIONS

10. On or about April 2004, Bird met with AH and her husband to discuss an investment opportunity with Kitts (Bird's stepfather). Bird told them that Kitts had a company, NevWest, that Kitts was taking public in about three months.
11. Bird said Kitts needed money to fund the IPO process, so Kitts was offering NevWest stock at \$0.25 per share. Bird also said NevWest stock would be worth significantly more when it went public.
12. After talking to Bird and Kitts several times, AH decided to buy 10,000 shares of NevWest stock for \$2,500. AH completed and signed a subscription agreement and an accredited investor questionnaire. AH was given no other disclosure documents.
13. On April 25, 2004, AH invested \$2,500 by personal check made payable to NevWest. After investing, AH received a stock certificate that she deposited in her e-trade account.

¹NevWest Corp. (NevWest) was registered as a Nevada corporation on May 24, 2002. Brian Kitts (Kitts) is the president, secretary, treasurer, and director of NevWest. NevWest has never been registered as a foreign corporation in Utah. NevWest's bank records reveal that from August 2005 to August 2006 Bird received a total of \$15,350 from NevWest.

14. AH does not meet the net worth criteria nor the annual income criteria to be considered an accredited investor.
15. AH was not told by either Bird or Kitts about the judgment and tax lien against Kitts. She also was not told by either Bird or Kitts that one of Kitts' companies, Sunpeak Holdings, Inc., had filed for bankruptcy.
16. Review of the NevWest checking account at Bank of America shows AH's check for \$2,500 was deposited on April 26, 2004, along with other checks. The total of the deposit was \$8,200. Prior to the deposit the account balance was approximately \$6,600.
17. Expenditures from NevWest's Bank of America checking account following the deposit that might be related to NevWest business include a payment to Brad Beckstead for \$1,500 containing a notation, "Retainer for 2002/2003 Audit," and a payment to Secretary of State for \$205 containing a notation, "Certified Copy \$30, Amended Articles \$175."
18. All other expenditures from NevWest's Bank of America checking account are personal in nature and include, but are not limited to, a transfer to a personal account belonging to Laurie Kitts (\$7,000), a cash withdrawal (\$2,934) and purchases at Dan's Food, Gart Sports, Walmart, Friendfinder, Park City Golf Course, Easy Riders Salt Lake, La Caille Restaurant, and Genie Rug Company, to name a few.
19. At 9:00 pm on August 22 or 23, 2007, AH was contacted again by Bird, after not hearing from him for several years.

20. Bird told AH that NevWest had finally gone public and changed its name to Brisam Corporation. Bird also told AH that Kitts was in the process of taking another company public in about three months.
21. Bird told AH she could invest in this new company on the same terms as her investment in NevWest. Bird told AH the symbol of this new company is HYHY.

MATERIAL MISREPRESENTATIONS AND OMISSIONS

22. In connection with the offer and sale of a security, Respondent, directly or indirectly, made false statements, including, but not limited to, the following:
 - a. Claims that investor money would be used to fund NevWest's IPO, when in fact, investor money was used to pay Kitts' personal expenses;
 - b. Claims that the price of NevWest stock would increase significantly after NevWest went public; and
 - c. Claims that NevWest was finally a public company, when in fact, NevWest has never been a public company.
23. In connection with the offer and sale of a security, Respondent, directly or indirectly, failed to disclose material information, including, but not limited to, the following, which was necessary in order to make representations made not misleading:
 - a. That on July 16, 2007, the Division of Securities initiated a formal administrative action against Kitts, president of NevWest, alleging securities fraud, sale of

unregistered securities, sale by unlicensed agents, and employing unlicensed agents;

- b. That on July 19, 2007, the State of Utah initiated a criminal action against Kitts, alleging securities fraud, theft, and racketeering, all second or third degree felonies;
- c. That Kitts had an unpaid civil judgment and tax lien against him;
- d. That one of Kitts' companies, Sunpeak Holdings, Inc., had filed for bankruptcy; and
- e. That the securities offered were not registered with the Division of Securities.

II. THE DIVISION'S CONCLUSIONS OF LAW

- 24. Based on the Division's investigative findings, the Division concludes that:
 - a. The investment opportunities offered and sold by Bird are securities under § 61-1-13 of the Act;
 - b. Bird violated § 61-1-1 of the Act by making misrepresentations of material facts and by omitting to state material facts in connection with the offer and sale of a security.

III. REMEDIAL ACTIONS/SANCTIONS

- 25. Bird neither admits nor denies the Division's findings and conclusions against him but consents to the sanctions below being imposed by the Division.

26. Bird represents that he did not provide any information to the Division as part of the Division's investigation.
27. Bird agrees to the imposition of a cease and desist order and a fine, prohibiting them from any conduct that violates the Act.
28. Pursuant to Utah Code Ann. § 61-1-6(1)(d) and in consideration of the guidelines set forth in Utah Admin. Code Rule R164-31-1, the Division imposes a fine of \$1,000 against Jared William Bird. The fine will be held in abeyance and waived on condition that Bird commits no violation of the Act within thirty-six months from the entry of this Order.
29. If Bird materially violates any of the terms of the Order, after notice and opportunity to be heard before an administrative officer, the entire fine shall become immediately due.
30. Bird agrees to cooperate with the Division, the State of Utah, and the Federal Government in any future investigations and/or prosecutions relevant to the matter herein.

IV. FINAL RESOLUTION

31. Bird acknowledges that this Order, upon approval by the Securities Commission shall be the final compromise and settlement of this matter.
32. Bird further acknowledges that if the Securities Commission does not accept the terms of the Order, it shall be deemed null and void and without any force or effect whatsoever.
33. Bird acknowledges that the Order does not affect any civil or arbitration causes of action that third-parties may have against them arising in whole or in part from their actions, and

that the Order does not affect any criminal causes of action that may arise as a result of their conduct referenced herein.

34. The Stipulation and Consent Order constitute the entire agreement between the parties herein and supersedes and cancels any and all prior negotiations, representations, understandings, or agreements between the parties. There are no verbal agreements which modify, interpret, construe, or otherwise affect the Order in any way.

Utah Division of Securities

Date: 9/22/10

By: [Signature]
Michael Hines
Director of Enforcement

Respondent Bird

Date: 9-8-10

By: [Signature]
Jared William Bird

Approved:

[Signature]
Jeff Buckner
Assistant Attorney General

Approved:

[Signature]
Russell Walker
Respondent Attorney

ORDER

IT IS HEREBY ORDERED THAT:

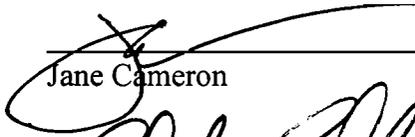
1. The Division has made a sufficient showing of Findings of Fact and Conclusions of Law to form a basis for this settlement.
2. Respondent ceases and desists from violating the Utah Uniform Securities Act.
3. Division imposes a fine of \$1,000 on Jared William Bird.
4. All fines shall be held in abeyance for thirty-six months.
5. If Respondent materially violates any of the terms of this Order the full fine amount shall be imposed against the Respondent and become due immediately.
6. Respondent cooperates with the Division in any future investigations.

BY THE UTAH SECURITIES COMMISSION:

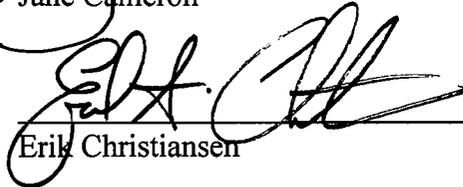
DATED this 28th day of October, 2010.



Tim Bangerter



Jane Cameron



Erik Christiansen

Laura Polacheck



Michael O'Brien

Certificate of Mailing

I certify that on the 8th day of NOVEMBER, 2010, I mailed, by certified mail, a

true and correct copy of the Stipulation and Consent Order to:

Russell Walker
Attorney-at-Law
c/o Jared William Bird,
Woodbury & Kesler
265 E. 100 S. #300
P.O. Box 3358
Salt Lake City, UT 84111

Certified Mailing # 7008 1140 0004 1642 0725

Shirley Paine
Secretary