Division of Securities
Utah Department of Commerce
160 East 300 South, 2nd Floor
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:	AFFIDAVIT OF SERVICE AND NON RESPONSE
WESTERN REGIONAL INVESTORS, LLC ANDREW DALE PUESCHEL Respondents.	Docket No. SD 08-0023 Docket No. SD 08-0024

I, Pam Radzinski, first being duly sworn, depose and state as follows:

1. I am the Executive Secretary for the Department of Commerce Division of Securities (the Division).

2. As executive secretary for the Division, I am responsible for supervising the mailing of the Division's Orders to Show Cause and for receiving any responses filed by respondents.

3. On March 5, 2008, the Division mailed, by certified mail, an Order to Show Cause (OSC) dated March 5, 2008, to Western Regional Investors, LLC and Andrew Dale Pueschel

along with a Notice of Agency Action (Notice), advising them that a default order would be entered if they failed to appear at a hearing set for April 1, 2008, or failed to file a written response to the OSC.

4. The Division mailed the OSC and Notice to Pueschel at the following addresses: 10744 South Bay Meadows Drive, Sandy, Utah; 338 Cose Lane, Tracy, California; and 1101 Saratoga Court, Tracy, California.

5. On March 10, 2008, the Division received notice from the United States Postal Service (USPS) that delivery to Pueschel at his Sandy, Utah, address was unsuccessful. The USPS provided a forwarding address for him of 1101 Saratoga Court, in Tracy, California.

6. On March 13, 2008, the Division received notice from the USPS that delivery to Pueschel at the Saratoga Court, Tracy, California address was unsuccessful. USPS provided no forwarding address.

7. On March 17, 2008, the Division received notice from the Utah Division of Corporations and Commercial Code (the registered agent for Western Regional Investors, LLC) that it received the OSC and Notice.

8. On March 24, 2008, the Division received notice from the USPS that delivery to Pueschel at the Cose Lane, Tracy, California address was unsuccessful. USPS provided no forwarding address.

9. On April 7, 2008, the Division mailed, by regular mail, the OSC and Notice to Pueschel at the same three known addresses.

10. On April 15, 2008, the Division's mailing to Pueschel at the Saratoga Court, Tracy, California address was returned with no forwarding address.

11. On April 21, 2008, the Division's mailing to Pueschel at the Sandy, Utah address was returned with no forwarding address.

12. The mailing to Pueschel's Cosa Lane, Tracy, California address was not returned.

13. As of the date of this Affidavit, the Respondents have not filed a response to the March 5, 2009 OSC.

DATED this 11TH day of FEBRUARY, 2009.

PAM RADZINSKI
Executive Secretary

SALT LAKE COUNTY)
) ss
STATE OF UTAH)

Signed and subscribed to before me this 11th day of February, 2009.

NOTARY PUBLIC
SUSAN M. JONES
160 East 300 South 2nd Floor
Salt Lake City, Utah 84111
COMMISSION EXPIRES
March 12, 2010
STATE OF UTAH

Notary Public

Division of Securities
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BEFORE THE DIVISION OF SECURITIES
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF:	NOTICE OF ENTRY OF DEFAULT AND ORDER
WESTERN REGIONAL INVESTORS, LLC ANDREW DALE PUESCHEL	Docket No. SD 08-0023 Docket No. SD 08-0024
Respondents.	

I. BACKGROUND

A formal adjudicative proceeding was initiated by the Division's Order to Show Cause (OSC) and Notice of Agency Action (Notice) dated March 5, 2008, against Western Regional Investors, LLC and Andrew Dale Pueschel, advising them to file an answer and appear at a hearing set for Tuesday April 1, 2008 or default would be entered against them. At the April 1, 2008 administrative hearing, Respondents did not appear or file a response. The Division agreed to mail the OSC and Notice a second time to Pueschel via regular mail, notifying him that the initial hearing had been rescheduled for May 6, 2008. At the May 6, 2008 administrative

hearing, Respondents again failed to appear or file a response to the OSC. The Division now seeks a default order against the Respondents.

II. FINDINGS OF FACT

1. On March 5, 2008, the Division mailed, by certified mail, an OSC and Notice to Western Regional Investors, LLC and Andrew Dale Pueschel, advising them that a default order would be entered if they failed to appear at a hearing set for May 6, 2008, or failed to file a written response to the OSC.
2. The Division mailed the OSC and Notice to Pueschel at the following addresses: 10744 South Bay Meadows Drive, Sandy, Utah; 338 Cose Lane, Tracy, California; and 1101 Saratoga Court, Tracy, California.
3. On March 10, 2008, the Division received notice from the United States Postal Service (USPS) that delivery to Pueschel at his Sandy, Utah, address was unsuccessful. USPS provided a forwarding address of 1101 Saratoga Court, in Tracy, California.
4. On March 13, 2008, the Division received notice from the USPS that delivery to Pueschel at the Saratoga Court, Tracy, California address was unsuccessful. USPS provided no forwarding address.
5. On March 17, 2008, the Division received notice from the Utah Division of Corporations and Commercial Code (the registered agent for Western Regional Investors, LLC) that it received the OSC and Notice.

6. On March 24, 2008, the Division received notice from the USPS that delivery to Pueschel at the Cose Lane, Tracy, California address was unsuccessful. USPS provided no forwarding address.

7. On April 7, 2008, the Division mailed, by regular mail, the OSC and Notice to Pueschel at the same three known addresses.

8. On April 15, 2008, the Division's mailing to Pueschel at the Saratoga Court, Tracy, California address was returned with no forwarding address.

9. On April 21, 2008, the Division's mailing to Pueschel at the Sandy, Utah address was returned with no forwarding address.

10. The mailing to Pueschel's Cosa Lane, Tracy, California address was not returned.

11. Respondents have not filed the required response or appear at a scheduled hearing.

12. Western Regional Investors, LLC (WRI) was, between 2003 and 2006, a Utah limited liability company. WRI registered as a Utah company on September 5, 2003, but its entity status expired on September 5, 2006. WRI was located in Salt Lake County, Utah. Pueschel was the sole manager of WRI.

13. Pueschel's last known address is in San Joaquin County, California.

14. On November 29, 2006, in Salt Lake County, Utah, Pueschel offered investor AS the

opportunity to buy units in a company called Accelerated Communications Corporation[1] (ACC). AS was 21 years old, unemployed, and sharing an apartment with her sister AO at the time of the meeting with Pueschel. AO was listening in the next room while Pueschel told AS about the investment opportunity.

15. Pueschel told AS the following about the investment opportunity:

    a. AS would at least double her money and would probably receive anywhere from $30,000 to $40,000 by February or March 2007, from an investment of $15,000;

    b. Pueschel invested $30,000 of his own money in ACC;

    c. There is no risk;

    d. This is a "really good opportunity to make money";

    e. ACC was an Internet company that would soon "go nationwide";

    f. ACC offered Internet service to anyone for $20;

    g. ACC would soon be a publicly traded company;

    h. ACC had many happy investors; and

    i. "This is legit. I'd never do you wrong."

16. The same day, Pueschel drove AS and AO to American First Credit Union in West

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[1]In August 2006, WRI and Pueschel entered into a "Referral Agreement" with ACC (a Utah corporation) pursuant to which WRI and Pueschel agreed to act as "finders" and refer prospective investors to ACC. In the referral agreement, WRI and Pueschel agreed not to negotiate on behalf of ACC with prospective investors and not to make any representations to any person regarding the prospects of ACC.

Jordan, Utah, where AS had a certificate of deposit (CD) worth $17,000.

17. AS told Pueschel she could not withdraw the money in the CD without incurring a penalty by the credit union.

18. Pueschel told AS it would only be a small penalty.

19. Pueschel went to the teller window with AS and instructed the teller to make the check payable to WRI.

20. Pueschel was in a hurry and rushed AS while at the credit union. AS felt pressured to hurry and therefore did not ask why the check needed to be made payable to WRI.

21. The teller gave AS a cashier's check for $15,000 made payable to WRI, and AS gave the check to Pueschel.

22. Pueschel told AS there was some paperwork to complete and drove AS and AO back to their apartment.

23. At the apartment, Pueschel quickly flipped through loose pages of ACC's private placement memorandum (PPM). Pueschel instructed AS to "initial here, sign here." Pueschel quickly completed the papers while talking to AS.

24. Pueschel took the pages he had completed and left AS with the remainder of the PPM.

25. Pueschel returned in a few days and gave AS a copy of the pages that Pueschel had completed and AS had signed. This was the first time AS had the opportunity to read what she had signed.

26. On page 18 of the PPM, Pueschel had AS initial next to the paragraph that states, "I have such knowledge and experience in financial and business matters and in stock investments in particular that I am capable of evaluating the merits and risks of an investment in the securities of [ACC]."

27. AS had never invested before, and was an inexperienced and unsophisticated investor.

28. On page 19 of the PPM, Pueschel put an "X" next to the sentence that says, "[I am a] natural person whose individual net worth, or joint net worth with my spouse, at the time of my purchase exceeds $1,000,000."

29. AS was not an accredited investor, and Pueschel was aware of AS's age, that she was unemployed, and shared an apartment with her sister.

30. AS did not receive her certificate of ownership of units until on or about February 1, 2007, and only after repeated calls to Pueschel.

31. Pueschel delivered the certificate to AS at her apartment along with a form entitled "Instructions for Completion of Subscriber Suitability Questionnaire for Investing Entities," which was completed for a company by the name of Tyvest LLC (Tyvest). Tyvest was also the company named on AS' certificate. This was the first time AS heard of Tyvest.

32. Tyvest is a Utah limited liability company and is a major shareholder in ACC. Tyvest was registered as a Utah company on July 21, 2003 and its entity status is currently

"active." Kendell Woolstenhulme is the sole manager of Tyvest. Pueschel is a shareholder in Tyvest.

33. AS's certificate for Tyvest units bears the signatures of Kendall Woolstenhulme, and Jason Woolstenhulme, respectively the managing member and secretary of Tyvest.

34. According to Kendall Woolstenhulme, the units were issued to AS as part of a private sale. Woolstenhulme said Tyvest received no money from the transaction, and that Tyvest simply cancelled units belonging to Pueschel and reissued the units to AS.

35. In February or March 2007, AS asked Pueschel for her investment and any profit. Pueschel told AS to speak to "Troy" at ACC.

36. Sometime in November 2007, AS telephoned ACC and spoke to Troy Page (Page), a member of the board of directors for ACC. AS asked Page about the status of her investment, and Page told AS to telephone Tyvest and gave her Tyvest's phone number.

37. AS telephoned Tyvest and spoke to "Pam" and "Ken". Both Pam and Ken acknowledged the existence of AS's stock certificate. Ken told AS he was very busy and would call her back. Ken never returned AS's telephone call.

38. AS has received nothing from her investment, and is still owed $15,000 in principal alone.

III. CONCLUSIONS OF LAW

39. The units in Tyvest offered and sold by WRI and Pueschel to AS are securities under §

61-1-13 of the Act.

40. In connection with the offer and sale of a security, WRI and Pueschel, directly or indirectly, made false statements, including, but not limited to, the following:

    a. AS would double her money by March 2007;

    b. AS would probably receive $30,000 or $40,000 by February or March 2007; and

    c. There was no risk.

41. In connection with the offer and sale of a security, WRI and Pueschel, 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. Pueschel was the manager of WRI;

    b. Pueschel was selling his stock in Tyvest to Pueschel; and

    c. Some or all of the information typically provided in an offering circular or prospectus regarding Tyvest, such as:

        i. The business and operating history for Tyvest;

        ii. Identities and experience of the principals for Tyvest;

        iii. Financial statements for Tyvest;

        iv. The market for Tyvest's product(s) and service(s);

        v. The nature of the competition for the product(s) and service(s);

        vi. The current capitalization for Tyvest;

vii. A description of how the investment would be used by Tyvest;

viii. Risk factors for investors;

ix. The number of other investors;

x. The minimum capitalization needed to participate in the investment;

xi. The disposition of any investments received if the minimum capitalization were not achieved;

xii. The liquidity of the investment;

xiii. Discussion of pertinent suitability factors for the investment;

xiv. The proposed use of the investment proceeds;

xv. Any conflicts of interest the issuer, the principals, or the agents may have with regard to the investment;

xvi. Agent commissions or compensation for selling the investment;

xvii. Whether the investment is a registered security or exempt from registration; and

xviii. Whether the person selling the investment is licensed.

42. Based upon the foregoing, Respondents violated § 61-1-1 (Securities Fraud) of the Act.

IV. ORDER

Based on the above, the Director hereby:

1. Declares Western Regional Investors, LLC and Andrew Dale Pueschel in default for

failing to file a written response to the OSC dated March 5, 2008, and for failing to appear at the scheduled administrative hearings.

2. Enters, as its own findings, the Finding of Fact described in Section II above.

3. Enters, as its own conclusions, the Conclusions of Law described in Section III above.

4. Finds that Respondents violated the Utah Uniform Securities Act by misrepresenting material facts and omitting material facts, necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, in connection with the offer and sale of a security in or from Utah, in violation of § 61-1-1(2).

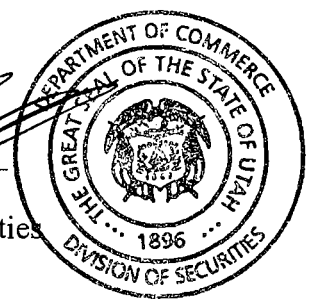
5. Orders Respondents to permanently CEASE and DESIST from any violations of the Act.

6. Orders Western Regional Investors, LLC to pay a fine of twenty five thousand dollars ($25,000) to the Division within 30 days of the entry of this Order.

7. Orders Andrew Dale Pueschel to pay a fine of twenty thousand dollars ($20,000) to the Division within 30 days of the entry of this Order.

DATED this 11th day of February, 2009.

KEITH WOODWELL
Director, Division of Securities



Pursuant to § 63G-4-209, Respondents may seek to set aside the Default Order entered in this proceeding by filing such a request with the Division consistent with the procedures outlined in the Utah Rules of Civil Procedure.

Certificate of Mailing/Service

I, Pam Radzinski, certify that on the 12TH day of FEBRUARY, 2009, I mailed, via certified and regular mail, a true and correct copy of the Notice of Entry of Default and Order to:

Andrew Dale Pueschel
338 Cosa Lane
Tracy, CA 95376

Certified Mailing # 7004 1160 0003 0195 8690

PAMALA RADZINSKI
Executive Secretary

Certificate of Service

I certify that on the 12TH day of FEBRUARY, 2009, I hand-delivered a true and correct copy of the Affidavit of Service and Non Response, and Notice of Entry of Default to the following:

Western Regional Investors, LLC
C/O Utah Division of Corporations, Registered Agent
160 E. 300 So., 2nd Floor
Salt Lake City, UT 84111

PAM RADZINSKI
Executive Secretary