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: **AUSSIE ENTERPRISES, LLC** **CASEY RYAN CARTER** **Respondents.**	**ORDER TO SHOW CAUSE** **Docket No.** SD.08-0059 **Docket No.** SD.08-0060

It appears to the Director of the Utah Division of Securities (Director) that Aussie Enterprises, LLC and Casey Ryan Carter have engaged in acts and practices that violate the Utah Uniform Securities Act, Utah Code Ann. § 61-1-1, et seq. (the Act). Those acts are more fully described herein. Based upon information discovered in the course of the Utah Division of Securities' (Division) investigation of this matter, the Director issues this Order to Show Cause in accordance with the provisions of § 61-1-20(1) of the Act.

STATEMENT OF JURISDICTION

1. Jurisdiction over the Respondents and the subject matter is appropriate because the Division alleges that they violated § 61-1-1 (securities fraud) of the Act while engaged in the offer and sale of a security in or from Utah.

STATEMENT OF FACTS

THE RESPONDENTS

2. Aussie Enterprises, LLC (Aussie Enterprises) was registered as a Utah limited liability company on August 15, 2006, but its registration expired on August 15, 2007. Casey Ryan Carter is the sole manager and registered agent of Aussie Enterprises.

3. Casey Ryan Carter (Carter) is a resident of Salt Lake County, Utah.

GENERAL ALLEGATIONS

4. In March or April 2007, in Utah County, Carter solicited investor JS to invest in a hard-money real estate transaction which purportedly would yield a return of principal plus 160-180% interest within 30 days.

5. Carter refused to provide JS with any details about the real property, other than to say he would buy real property and the property would be held in Carter's name.

6. On March 2, 2007, JS invested $20,000 with Carter, via wire transfer, to Aussie Enterprises' bank account at the Bank of American Fork in Utah County.

7. On or about March 4, 2007, JS became concerned about the investment after being unable to get any information about the real property, and told Carter that he wanted his money back.

8. Carter informed JS that a refund was not possible because JS's $20,000 was not used for the real estate investment opportunity as promised. Carter told JS that his funds were pooled with funds from other investors and used to buy shares of Superior Development

Group, Inc. (Superior).

9. Carter told JS the funds used to purchase the Superior shares were sent to someone named Royce Teets (Teets), a stock promoter in Florida, representing MWC Group, LLC.

10. Carter said JS would still receive a return of 160-180% within 30 days, and in addition, JS would be purchasing Superior shares at $1.60 – $.40 below their market value of $2.00.

11. Carter gave JS a copy of an unsigned agreement between Carter and MWC Group, in which Carter agrees to purchase 25,000 shares of Superior.

12. Carter told JS that JS now owned 12,500 shares of Superior stock and JS would receive a stock certificate shortly.

13. After the 30 days, JS requested his principal plus interest from Carter, but received nothing.

14. In May 2007, Carter told JS he would transfer Carter's 12,500 shares of Superior stock to JS's brokerage account at Ameritrade. JS gave the transfer papers to Carter, but the stock was never transferred.

15. Over the next few months, Carter repeatedly promised to liquidate JS's investment, but the investment was never liquidated.

16. To date, JS has received no evidence of JS's ownership in the real estate, JS has not received his Superior stock certificate, nor has he received his $20,000 principal

investment or the promised return of 160-180%.

17. On or about April 2, 2008, an investigator for the Division contacted the company, spoke to someone who identified himself as a director, and said he had never heard of investor JS, Carter, Teets, or MWC Group. He told the investigator the president would call back, but he never did.

CAUSES OF ACTION

COUNT I
Securities Fraud under § 61-1-1 of the Act

18. The Division incorporates and re-alleges paragraphs 1 through 17.

19. The investment opportunity offered and sold by Carter and Aussie Enterprises, directly or indirectly, to JS, is an investment contract, and therefore a security under § 61-1-13 of the Act. An investment contract includes,

> any investment in a common enterprise with the expectation of profit to be derived through the essential managerial efforts of someone other than the investor; or . . . any investment by which . . . an offeree furnishes initial value to an offerer; . . . a portion of this initial value is subjected to the risks of the enterprise; . . . the furnishing of the initial value is induced by the offerer's promises or representations which give rise to a reasonable understanding that a valuable benefit of some kind over and above the initial value will accrue to the offeree as a result of the operation of the enterprise; and . . . the offeree does not receive the right to exercise practical or actual control over the managerial decisions of the enterprise.

UTAH ADMIN. CODE R164-13-1(B)(1)(a) and 1(b).

20. In connection with the offer and sale of a security, Carter and Aussie Enterprises, directly

or indirectly, made false statements, including, but not limited to, the following:

a. JS's investment funds would be used for a real property investment;

b. JS would receive a return on his investment of 160-180%; and

c. JS would receive his principal plus interest in 30 days.

21. In connection with the offer and sale of a security, Carter and Aussie Enterprises, 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. Some or all of the information typically provided in an offering circular or prospectus regarding Aussie Enterprises, such as:

i. Identities of principals in the company along with their experience in this type of business;

ii. Financial statements of the company;

iii. The market for the services of the company;

iv. The nature of the competition for the services;

v. Current capitalization of the company;

vi. The track record of the company to investors;

vii. Risk factors for investors;

viii. The number of other investors;

ix. Discussion of pertinent suitability factors for the investment;

x. The location of real property to be purchased, and whether or not the

property was encumbered in any way;

xi. JS's percentage of ownership interest in the real property to be purchased;

xii. Any involvement of the issuer or the principals in certain legal proceedings, including bankruptcy and prior violation of state or federal securities laws;

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

xiv. Agent commissions or compensation for selling investment;

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

xvi. Whether the person selling the investment was licensed.

22. Based upon the foregoing, Aussie Enterprises, LLC and Casey Ryan Carter violated § 61-1-1 of the Act.

ORDER

The Director, pursuant to § 61-1-20 of the Act, hereby orders the Respondents to appear at a formal hearing to be conducted in accordance with Utah Code Ann. §§ 63-46b-4 and 63-46b-6 through -10, and held before the Utah Division of Securities. The hearing will occur on Tuesday, July 1st, 2008, at 9:00 a.m., at the office of the Utah Division of Securities, located in the Heber Wells Building, 160 East 300 South, 2nd Floor, Salt Lake City, Utah. The purpose of the hearing is to establish a scheduling order and address any preliminary matters. If the

property was encumbered in any way;

xi. JS's percentage of ownership interest in the real property to be purchased;

xii. Any involvement of the issuer or the principals in certain legal proceedings, including bankruptcy and prior violation of state or federal securities laws;

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

xiv. Agent commissions or compensation for selling investment;

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

xvi. Whether the person selling the investment was licensed.

22. Based upon the foregoing, Aussie Enterprises, LLC and Casey Ryan Carter violated § 61-1-1 of the Act.

ORDER

The Director, pursuant to § 61-1-20 of the Act, hereby orders the Respondents to appear at a formal hearing to be conducted in accordance with Utah Code Ann. §§ 63-46b-4 and 63-46b-6 through -10, and held before the Utah Division of Securities. The hearing will occur on Tuesday, June 3rd, 2008, at 9:00 a.m., at the office of the Utah Division of Securities, located in the Heber Wells Building, 160 East 300 South, 2nd Floor, Salt Lake City, Utah. The purpose of the hearing is to establish a scheduling order and address any preliminary matters. If the

Respondents fail to file an answer and appear at the hearing, the Division of Securities may hold Respondents in default, and a fine may be imposed in accordance with Utah Code Ann. § 63-46b-11. In lieu of default, the Division may decide to proceed with the hearing under § 63-46b-10. At the hearing, the Respondents may show cause, if any they have:

a. Why Aussie Enterprises, LLC and Casey Ryan Carter should not be found to have engaged in the violations alleged by the Division in this Order to Show Cause;

b. Why Aussie Enterprises, LLC and Casey Ryan Carter should not be ordered to cease and desist from engaging in any further conduct in violation of Utah Code Ann. § 61-1-1, or any other section of the Act;

c. Why Aussie Enterprises, LLC should not be ordered to pay a fine of one hundred fifty thousand dollars ($150,000) to the Division of Securities; and

d. Why Casey Ryan Carter should not be ordered to pay a fine of one hundred fifty thousand dollars ($150,000) to the Division of Securities, which may be reduced by restitution paid to the victim.

DATED this 14TH day of May 2008.

THAD LEVAR
Acting Director, Utah Division of Securities

Approved:

JEFF BUCKNER
Assistant Attorney General

D. H.

Division of Securities
Utah Department of Commerce
160 East 300 South, 2nd Floor
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Salt Lake City, UT 84114-6760
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BEFORE THE DIVISION OF SECURITIES
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF: **AUSSIE ENTERPRISES, LLC** **CASEY RYAN CARTER** **Respondents.**	**NOTICE OF AGENCY ACTION** **Docket No.** SD-08-0059 **Docket No.** SD-08-0060

THE DIVISION OF SECURITIES TO THE ABOVE-NAMED RESPONDENTS:

The purpose of this Notice of Agency Action is to inform you that the Division hereby commences a formal adjudicative proceeding against you as of the date of the mailing of the Order to Show Cause. The authority and procedure by which this proceeding is commenced are provided by Utah Code Ann. §§ 63-46b-3 and 63-46b-6 through 11. The facts on which this action is based are set forth in the foregoing Order to Show Cause.

Within thirty (30) days of the mailing date of this notice, you are required to file an Answer with the Division. The Answer must include the information required by Utah Code § 63-46b-6 (1). In addition, you are required by § 63-46b-6 (3) to state: a) by paragraph, whether

you admit or deny each allegation contained in the Order to Show Cause, including a detailed explanation for any response other than an unqualified admission; b) any additional facts or documents which you assert are relevant in light of the allegations made; and c) any affirmative defenses (including exemptions or exceptions contained within the Utah Uniform Securities Act) which you assert are applicable. To the extent that factual allegations or allegations of violations contained in the Order to Show Cause are not disputed in your Answer, they will be deemed admitted.

Your Answer, and any future pleadings or filings that should be part of the official files in this matter, should be sent to the following:

Signed originals to:	A copy to:
Administrative Court Clerk c/o Pam Radzinski Division of Securities 160 E. 300 S., Second Floor Box 146760 Salt Lake City, UT 84114-6760 (801) 530-6600	Jeff Buckner Assistant Attorney General 160 E. 300 S., Fifth Floor Box 140872 Salt Lake City, UT 84114-0872 (801) 366-0310

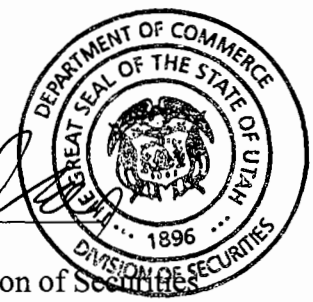
A hearing date has been set for Tuesday, July 1st, 2008, at 9:00 a.m., at the office of the Utah Division of Securities, located in the Heber Wells Building, 160 East 300 South, 2nd Floor, Salt Lake City, Utah.

If you fail to file an Answer, as set forth herein, or fail to appear at the hearing, the Division of Securities may hold you in default, and a fine and other sanctions may be imposed

against you in accordance with Utah Code Ann. § 63-46b-11, without the necessity of providing you with any further notice. In lieu of default, the Division may decide to proceed with the hearing under § 63-46b-10. At the hearing, you may appear and be heard and present evidence on your behalf. You may be represented by counsel during these proceedings.

The Administrative Law Judge will be J. Steven Eklund, Utah Department of Commerce, 160 East 300 South, P.O. Box 146701, Salt Lake City, UT 84114-6701, telephone (801) 530-6648. Pursuant to U.C.A. Subsection 63-46b-2(1)(h), Mr. Eklund is hereby designated as presiding officer for the purpose of conducting this formal administrative proceeding. Questions regarding the Order to Show Cause and Notice of Agency Action should be directed to the Division's attorney, Scott Davis, at (801) 366-0310.

DATED this 14th day of May, 2008.



THAD LEVAR
Acting Director, Division of Securities
Utah Department of Commerce

Certificate of Mailing

I certify that on the 15TH day of MAY, 2008, I mailed, via certified mail, a true and correct copy of the Order to Show Cause and Notice of Agency Action to:

Casey Ryan Carter / Aussie Enterprises, LLC
5667 South Lolene Way
Salt Lake City, UT 84118

Certified Mail # 70041160000301960129

PAMALA RADZINSK
Executive Secretary