

03/30/2009

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Ms. Giani, I would like to appeal to the State of Utah in its decision to deny my securities license in Utah. It should be noted that FINRA has already approved my registration, and I am currently licensed in the State of Utah to sell Life insurance, Health insurance, and Property and Casualty insurance.

I would like to address material misrepresentations made by the state against me. First the letter states that I offered and sold (securities) to 21 Utah residents. I in fact collected \$1393,121.46 that was to be secured with a first trust deed recorded on property in Beverly Hills California. As the State knows this is not a security and is exempt from registration with the State. These transactions only became an unregistered security after the Fitzgerald brothers failed to fulfill their fiduciary responsibility of recording trust deeds for the clients notes.

I was not paid \$161,932 in commission for my work. I was only paid approx \$103,000. not as commission but as a monthly salary. The difference in the amounts was my personal efforts to help my family and friends recoup their losses. An additional fact is that I paid over \$260,000. to investors affected by the Fitzgerald scheme. I didn't have to pay any additional funds.

When Mr Fitzgerald failed to record these invested dollars on the properties promised as collateral, the investments inadvertently became unregistered securities, not because of any intention on my part. In fact prior to soliciting any monies from prospective clients I had detailed discussion with Gary Bowen at the State and my attorney Mark Kohler. All the procedures and policies discussed were confirmed by Mr. Bowen to be in complete compliance with the State. Not only were the investments exempt from registration, but the need for licensing to transact business was also exempt. Again per Mr. Bowen.

Section 16 states that I willfully, deliberately, and purposefully, acted to defraud investors. Quite the opposite. I completely complied with the laws of the state in all my dealings with clients regarding the Beverly Hills development Corp, in verifying that the investments described were exempt from both registration and licensing. The Fitzgerald Brothers by not fulfilling their fiduciary responsibilities to record ownership interest of said investments on properties, created a violation in securities law. They have been duly charged.

With regards to the Consent Order, I now see that I did not understand completely the implications of the consent order. My understanding was that if I complied with the terms set forth in the Plea, that if the charges were dropped and the case dismissed, that I would be allowed to get relicensed in securities in the State of Utah. I would not have signed it had I understood what you are now claiming.

The State in number 23 states that dismissal is the antithesis of a conviction. But the state does not reason that a dismissal means there is no conviction. Its paradoxical in its very nature.

26. My conduct was never egregious, or any other foul description the State attempts to place on my conduct. Again at the time of said transactions, my conduct was in compliance with all State laws and statutes. Only after the Fitzgeralds failed to comply with their fiduciary responsibilities were my actions deemed illegal.
27. Again, I was not licensed at the time I transacted business for The Fitzgeralds, because I followed every statute outline by the State specifically per Mr. Bowen. I did not need to be licensed in an exempt transaction with an exempt security.
28. Again I didn't willfully violate any licensing requirement. Quite the opposite, I received approval and consent to transact business in an exempt capacity.

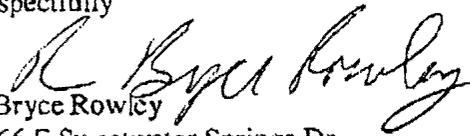
Number seven sub note states that I was both licensed and yet not licensed when transacting business and selling unregistered securities. This is a contradiction.

29. Its true that for ten years prior to involvement with Fitzgeralds I was licensed as an agent in the state of Utah. Series 6,63,26. It was specifically because of my past experience and completely clean track record that I followed the steps I did. I forfeited my licenses because I would be acting in an exempt capacity, prior to conducting any business with clients.

Just a side note. When My Attorney and I discovered that the Fitzgerald brothers had failed to record deeds for the investors, I immediately ceased raising money and also immediately reported my findings to the State. In essence I gave the State Fitzgerald. I acknowledge the State would have eventually discovered wrongdoing by the Fitzgeralds through other clients complaints. To my knowledge I was the first to formally notify the State. I personally met with Mike Heinz, Jude Archuleta, and Jenifer Korb the next day to disclose my findings.

30. Your letter states that it is in the publics best interest That my application for licensing be denied. I Respectfully submit that its exactly a person like myself that has always acted in the best interest of his clients, and always followed every statute and law to its finest detail, that I should be allowed registration in the State of Utah.

Respectfully

  
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