

FILED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES 2014 SEP 11 PM 3:07

COMMONWEALTH OF PENNSYLVANIA	:	PA DEPARTMENT OF
DEPARTMENT OF BANKING AND	:	BANKING AND SECURITIES
SECURITIES, BUREAU OF SECURITIES	:	
LICENSING, COMPLIANCE AND	:	
ENFORCEMENT	:	DOCKET No. 120097 (SEC-ORD)
v.	:	
	:	
*TAC FINANCIAL, INC.	:	
ROY H. EDER	:	
DAVID JOHN NAVA d/b/a	:	
SURF FINANCIAL GROUP LLC	:	
WILLIAM "BILLY" SAYERS	:	
ROBERT J. McNULTY	:	
RHETT J. McNULTY	:	

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Pennsylvania Securities Commission ("PSC")[†], issued a Findings of Fact, Conclusions of Law, and Order ("FOF", Exhibit 1) on April 17, 2012 after receiving an Offer of Settlement ("OOS", Exhibit 2), in part, from TAC Financial, Inc. ("TAC"). The FOF concluded a PSC investigation of certain TAC securities-related business practices which violated the Pennsylvania Securities Act of 1972, 70 P.S. § 1-101 et. seq. ("1972 Act").

Now, the Bureau and TAC wish to amend, only as to one particular provision of the Order portion of the FOF, and TAC now admitting the allegations contained herein, and intending to be legally bound, hereby also agrees to the terms of this Consent Agreement and Order

* This Amendment applies only to TAC Financial, Inc.
† The PSC is now d/b/a the Department of Banking and Securities ("Department"), Bureau of Securities ("Bureau").

("Amendment"). In addition, TAC also hereby again agrees to all of the other terms and conditions of the FOF.

BACKGROUND

1. The Department is the Commonwealth of Pennsylvania's administrative agency authorized and empowered to administer and enforce the 1972 Act.

2. The Bureau is primarily responsible for administering and enforcing the 1972 Act for the Department.

3. TAC was and is an entity with an address at 4080 Paradise Road, Suite 15-130, Las Vegas, Nevada 89169. At all times material herein, TAC was/is purportedly a financial services company that offered/offers pre-paid debit cards to the public.

4. On or about April 17, 2012, the PSC issued the FOF which remains in effect between the Department and TAC.

5. One of the paragraphs of the Order of the FOF, paragraph 3, states "TAC is ORDERED to pay \$10,000 to the Commonwealth of Pennsylvania within twenty days of the issuance of this Order, which amount represents legal and investigative costs in this matter, pursuant to Section 602.1(b) of the 1972 Act, 70 P.S. § 1-602.1(b)."

6. As of this date, TAC has not paid the \$10,000 owed to the Commonwealth of Pennsylvania.

7. In or about May 2014, Steven Hong ("Hong"), the Controller of TAC, contacted the Bureau and represented to the Bureau that TAC's financial condition is and has been distressed, and that TAC is unable to pay the Commonwealth of Pennsylvania the \$10,000 assessment.

8. Based upon TAC's financial condition, Hong has requested on behalf of TAC, that the Bureau waive the requirement that TAC pay the \$10,000.

9. In or about June 2014, the Bureau received a written financial statement ("TAC Financials") from Hong for TAC regarding TAC's financial condition.

10. The submission of the TAC Financials constitutes a filing pursuant to Section 407(a) of the 1972 Act, 70 P.S. § 1-407(a) ("Filing").

11. Based upon the Filing, the Bureau has agreed to excuse payment of the \$10,000 assessment contained within paragraph 3 of the Order in the FOF. In excusing payment of the \$10,000 assessment, all of the other provisions, paragraphs, terms, conditions, and language contained in the FOF and the OOS remain intact and in force between the Bureau and TAC.

FURTHER PROVISIONS

12. Consent. TAC hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Amendment pursuant to the Bureau's authority under the 1972 Act and agrees that it understands all of the terms and conditions contained herein. TAC, by voluntarily entering into this Amendment, waives any right to a hearing or appeal concerning the terms, conditions and/or penalties set forth in this Amendment and/or to the FOF and OOS.

13. Entire Agreement. This Amendment, in addition to the FOF and OOS, contains the entire agreement between the Department and TAC. This Amendment may be amended in writing by mutual agreement by the Department and TAC.

14. Binding Nature. The Department, TAC, and all heirs and assigns of TAC intend to be and are legally bound by the terms of this Amendment.

15. Counsel. This Amendment is entered into by the parties upon full opportunity for legal advice from legal counsel.

16. Effectiveness. TAC hereby stipulates and agrees that this Amendment shall become effective on the date that the Bureau executes the Amendment (“Effective Date”).

17. Other Enforcement Action.

(a) The Department reserves all of its rights, duties, and authority to enforce all statutes, rules and regulations under its jurisdiction against TAC in the future regarding all matters not resolved by this Amendment, the FOF and/or the OOS.

(b) TAC acknowledges and agrees that this Amendment is only binding upon the Department and not any other local, state or federal agency, department or office regarding matters within this Amendment.

18. Authorization. The parties below are authorized to execute this Amendment and legally bind their respective parties.

19. Counterparts. This Amendment may be executed in separate counterparts, by facsimile and by PDF.

20. Titles. The titles used to identify the paragraphs of this document are for the convenience of reference only and do not control the interpretation of this document.

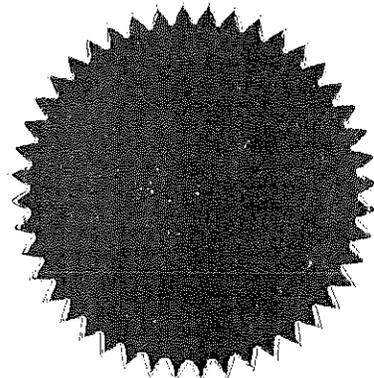
21. Finding. The Department finds that it is necessary and appropriate in the public interest and for the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the 1972 Act to issue this Amendment.

WHEREFORE, in consideration of the foregoing, including the recital paragraphs, the Commonwealth of Pennsylvania, Department of Banking and Securities, Bureau of Securities, Licensing, Compliance and Enforcement and TAC FINANCIAL, INC., intending to be legally bound, do hereby execute this Amendment to the FOF and OOS.

**FOR THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES
BUREAU OF SECURITIES, LICENSING, COMPLIANCE AND ENFORCEMENT**

James A. Klutinoty, Chief, Western Region
Bureau of Securities Licensing, Compliance and Enforcement

Date: 9/5/2014



FOR TAC FINANCIAL, INC.

By: _____

Date: September 1, 2014

