

NO. _____ FILED
A.M. _____ P.M. _____

JAN 29 2009

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J. DAVID NAVARRO, Clerk
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DEPUTY

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**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR ADA COUNTY**

STATE OF IDAHO, DEPARTMENT OF
FINANCE, SECURITIES BUREAU,

Plaintiff,

vs.

JAMISON POTTER, et al.,

Defendants.

Case No. CV OC 09 05488

**STIPULATION AND CONSENT TO ENTRY
OF JUDGMENT REGARDING
DEFENDANT JAMISON POTTER**

Plaintiff, the State of Idaho, Department of Finance, ("Department") and Defendant Jamison Potter above have agreed to entry of judgment against said Defendant, pursuant to the following Stipulation. The Department and Defendant Potter request this Court to enter judgment in the form and substance set forth in the Judgment and Permanent Injunction regarding Defendant Jamison Potter filed concurrently herewith. In the event the Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever, and the

making of this Stipulation shall be without prejudice to any party in this or any other proceeding. By signing and entering into this Stipulation, Defendant Potter waives his rights to a hearing and/or trial on the alleged violations in the Amended Verified Complaint.

PLAINTIFF'S ALLEGATIONS

Plaintiff alleges that in 2007, Defendant unlawfully issued securities in the form of investment contracts for the purpose of raising money to invest in other bogus investments. Defendant Potter, along with co-Defendant Adam Bentley and assisted by co-Defendant Christopher Driscoll, issued investment contracts to approximately forty (40) investors in an aggregate amount of approximately six million seven hundred thousand dollars (\$6,700,000). Some monies were returned to investors, resulting in net losses of five million three hundred seventy-three thousand four hundred sixty-four dollars (\$5,373,464.00).

Defendants misrepresented the investment and omitted material information from the investor solicitations. Defendants failed to register these securities and Defendants failed to register as securities broker-dealers or agents, as required by law. Defendants paid their early investors with funds from later investors, and spent investor money on personal and business expenses.

STIPULATION

The Department and Defendant Potter hereby stipulate and agree to the facts, conclusions of law, and terms and conditions set forth in herein.

1. Pursuant to Idaho Code § 30-14-603, Defendant Potter agrees to the following:

A. That Defendant Potter neither admits nor denies that he made false and misleading misrepresentations to prospective investors in connection with the offer, sale or

purchase of securities, and that such misrepresentations violated the anti-fraud provisions of Idaho Code §30-14-501(2).

B. That Defendant Potter neither admits nor denies that he omitted and failed to disclose material facts to prospective investors in connection with the offer, sale or purchase of securities and that such omissions and failures to disclose violated the anti-fraud provisions of Idaho Code §30-14-501(2).

C. That Defendant Potter issued, sold or offered for sale in Idaho securities in the form of investment contracts. Such securities were not registered with the Department as required by Idaho Code § 30-14-301. Defendant Potter's failure to register such securities with the Department violated Idaho Code § 30-14-301.

D. That Defendant Potter transacted business in Idaho as an agent of broker-dealers or of issuers. Defendant Potter was and has never been registered as an agent with the Department as required by Idaho Code § 30-14-402(a). Defendant Potter's failure to register as an agent with the Department violated Idaho Code § 30-14-402(a).

E. That Defendant Potter will timely and fully cooperate with the Department's reasonable requests for information and documentation to establish full restitution to all Idaho investors.

F. That Defendant Potter will pay to the Department the amount of five million three hundred seventy-three thousand four hundred sixty-four dollars (\$5,373,464), which the Department will provide to investors as restitution.

G. That Defendant Potter consents to the Court's entry of the Judgment filed concurrently herewith, permanently barring Defendant Potter from any future violations of

Idaho's Uniform Securities Act (2004) and from selling or offering for sale securities in any form in the State of Idaho.

H. The Department shall not be required to provide Defendant Potter notice of, nor shall Defendant Potter object to, any request for a renewal of this Judgment under Idaho Code §10-1111.

I. Defendant Potter agrees and consents that the Department may obtain credit reports as necessary to assist in collecting amounts owed under this Stipulation and associated Judgment.

J. Defendant Potter waives any applicable statutes of limitation.

K. Defendant Potter agrees to bear his own attorney fees and costs in this action.

2. The Department agrees to the following:

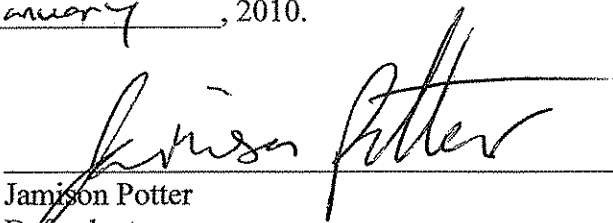
A. That Counts One through Four of the Amended Verified Complaint and the actions giving rise to Counts One through Four are merged into this Stipulation and the associated Judgment, and the terms of this Stipulation and the associated Judgment shall be the Department's sole remedy for the violations giving rise to the Amended Verified Complaint.

B. That any amounts collected from other Defendants in this action will be applied to reduce the total judgment amount owed by Defendant Potter.

C. To waive any penalties available to the Department under Idaho Code § 30-14-603(b)(2)(C).

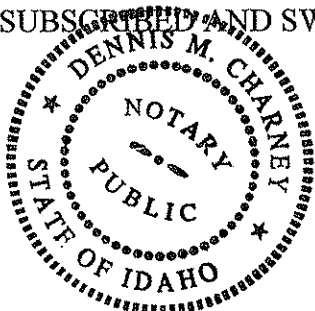
D. The Department agrees to forgo any claim for costs, attorney fees, and reimbursement for investigative efforts in this action pursuant to Idaho Code § 30-14-603(b)(2)(C). The Department may seek costs and fees as provided by rule or statute for enforcement of the Judgment.

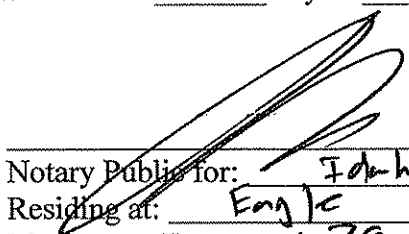
DATED this 22 day of January, 2010.



Jamison Potter
Defendant

SUBSCRIBED AND SWORN to before me this 22nd day of January, 2010.

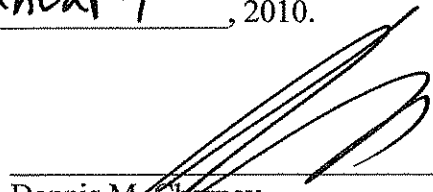




Notary Public for: Idaho
Residing at: Engle
My Comm. Exp.: 1-29-13

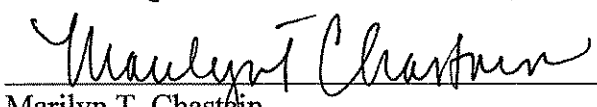
APPROVED AS TO FORM AND CONTENT.

DATED this 27th day of January, 2010.



Dennis M. Charney
CHARNEY AND ASSOCIATES
Counsel for Defendant Potter

DATED this 28th day of January, 2010.



Marilyn T. Chastain
Securities Bureau Chief
State of Idaho, Department of Finance

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of _____, 2010, I served a true and correct copy of the foregoing STIPULATION AND CONSENT TO ENTRY OF JUDGMENT REGARDING DEFENDANT JAMISON POTTER upon the following by the designated means:

Dennis M. Charney
CHARNEY AND ASSOCIATES
1191 E. Iron Eagle Drive
Eagle, ID 83616

☐ U.S. Mail, postage prepaid
☐ Certified mail
☐ Facsimile
☐ Hand delivery
