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2 **STATE OF CALIFORNIA**
3 **BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY**
4 **DEPARTMENT OF BUSINESS OVERSIGHT**

5 TO: Robert Mark Seibert
6 Southwest Biofuels, LLC
7 4856 E. Baseline Road, Suite 104
8 Mesa, Arizona 85206

9 **DESIST AND REFRAIN ORDER**
10 **(For violations of section 25401 of the Corporations Code)**

11 The Commissioner of Business Oversight finds that:

12 1. At all relevant times herein, Southwest Biofuels, LLC (“SB”), a Nevada limited
13 liability company which was formed on January 22, 2010, was located at 4856 E. Baseline Road,
14 Suite 104, Mesa, Arizona 85206.

15 2. Beginning in or about 2011, SB and Robert Mark Seibert a.k.a. John Gray (“Seibert”)
16 offered and sold securities in the form of SB stock to investors in California.

17 3. SB and Seibert offered and sold stock in Southwest Biofuels, LLC to investors via
18 unsolicited telephone calls (“cold-calls”).

19 4. SB and Seibert made these cold-calls from a telephone number with a California area
20 code to investors located in California. The SB stock certificates were mailed to the investors’
21 addresses in California.

22 5. In connection with the offer and sale of these securities, SB and Seibert made material
23 misrepresentations of facts and also omitted to state material facts necessary in order to make the
24 statements made, in the light of the circumstances under which they were made, not misleading.

25 These misrepresentations and omissions included, but are not limited to, the following:

26 a. SB and Seibert misrepresented to investors on the telephone that Seibert’s name was
27 John Gray;

1 b. SB and Seibert failed to disclose to investors that Seibert had past convictions for
2 securities fraud; and

3 c. SB and Seibert failed to disclose to investors that SB was the subject of a Summary
4 Order to Cease and Desist issued by the Commonwealth of Pennsylvania, Securities Commission for
5 violations of the Pennsylvania Securities Act.

6 Based upon the foregoing findings, the Commissioner of Business Oversight is of the opinion
7 that the securities offered and sold by Southwest Biofuels, LLC and Robert Mark Seibert were
8 offered and sold in this state by means of written or oral communications that included untrue
9 statements of material fact or omitted to state material facts necessary in order to make the statements
10 made, in the light of the circumstances under which they were made, not misleading, in violation of
11 section 25401 of the Corporate Securities Law of 1968.

12 Pursuant to Section 25532 of the Corporate Securities Law of 1968, Southwest Biofuels, LLC
13 and Robert Mark Seibert are hereby ordered to desist and refrain from offering or selling or buying or
14 offering to buy any security in the State of California, including, but not limited to, stock of
15 Southwest Biofuels, LLC by means of any written or oral communication which includes an untrue
16 statement of a material fact or omits to state a material fact necessary in order to make the statements
17 made, in the light of the circumstances under which they were made, not misleading.

18 This Order is necessary, in the public interest, for the protection of investors and consistent
19 with the purposes, policies, and provisions of the Corporate Securities Law of 1968 and the
20 California Financial Code.

21 Dated: October 16, 2013
22 Los Angeles, California

23 JAN LYNN OWEN
24 Commissioner of Business Oversight

25 By _____
26 MARY ANN SMITH
27 Deputy Commissioner
28 Enforcement Division