

STATE OF ILLINOIS
SECRETARY OF STATE
SECURITIES DEPARTMENT

IN THE MATTER OF: OSCAR DONALD)
OVERBEY, JR.)
_____)

No. C0600460

TEMPORARY ORDER OF PROHIBITION AND
TEMPORARY ORDER SUSPENDING THE
REGISTRATION OF RESPONDENT

TO THE RESPONDENT : Oscar Donald Overbey, Jr.
(CRD# 2066217)
1100 Church Street
No. 605
Evanston, IL 60062

NATURE OF THE CASE

The Respondent, Oscar Donald Overbey, Jr., (“Overbey”) was an Investment Advisor Representative for Ameriprise Financial Services that used his professional relationship with long-time clients to fraudulently induce them into investing into, among other things, non-existing businesses, bunk investment notes, and purported government notes. In several situations Overbey simply took money out of clients’ Ameriprise accounts and deposited their money into his own personal banking account. Overbey’s purpose behind stealing client money was to pay his personal bills, rent, living expenses and to finance his extensive gambling pastime, stealing, at a minimum, \$500,000.00 from customers and spending their money at casinos. Since 1996, when Overbey began taking client money under false pretenses, Overbey has been an avid, albeit unsuccessful, gambler. In 2005 and 2006 Overbey’s gambling losses at just three of the Illinois and Indiana casinos totaled approximately \$250,000.00.

FACT COMMON TO ALL COUNTS

1. Respondent Oscar Donald Overbey, Jr. (“Overbey”) was an investment advisor representative for Ameriprise Financial Services, Inc. (“Ameriprise”) from October of 1990 through July 28, 2006.

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2. Overbey last known address is 1100 Church Street in Evanston, Illinois, where he has resided since 1987.
3. Overbey was the franchise owner of the Ameriprise branch office located at 500 Skokie Blvd., in Skokie, Illinois.

OVERBEY'S VICTIMS:

Victim One:

4. On July 6, 2006 Overbey diverted \$100,000.00 from an Ameriprise client's ("Victim 1") account into Overbey's own personal banking account at Chase Bank.
5. On information and belief, Overbey utilized Ameriprise documents to transfer Victim 1's money from his Ameriprise account to Overbey's personal banking account.
6. Overbey's explanation to Ameriprise for stealing Victim 1's money was to make it easier to "consolidate" Victim 1's Ameriprise accounts.
7. At that time Overbey's personal banking account had been depleted, and was incurring insufficient funds and returned item fees and charges.
8. On July 6, 2006, the same day Overbey stole Victim 1's money and deposited it into his personal banking account, Overbey withdrew \$74,000.00 from that account, followed by an additional \$500.00 withdrawal while Overbey was at the Resorts Casino in East Chicago the very next day.
9. Section 12.F of The Illinois Securities Law of 1953, 815 ILCS 5/1 *et seq.*, (The "Act") states that it shall be a violation of the provisions of this Act for any person to, "engage in any transaction, practice or course of business in connection with the sale or purchase of securities which works or tends to work a fraud or deceit upon the purchaser or seller thereof." 815 ILCS 5/12.F.
10. Section 12.G of the Act states that it shall be a violation of the provisions of this Act for any person to, "obtain money or property through the sale of securities by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading." 815 ILCS 5/12.G.
11. Section 12.I of the Act states that it shall be a violation of the provisions of this Act for any person to, "employ any device, scheme, or artifice to defraud in connection with the sale or purchase of any security, directly or indirectly. 815 ILCS 5/12.I.
12. Section 8.E(1)(b) of the Act states that the registration of an investment advisor representative may be suspended or revoked if that investment advisor representative has

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engaged in any unethical practice in connection with any security, the offer or sale of securities or in any fraudulent business practice. 815 ILCS 5/8.E (1)(b).

13. The allegations contained in paragraphs 1 through 8, above, constitute violations of Sections 12.F, 12.I, 12.G and 8.E(1)(b) of the Act.

Victim Two:

14. A client of Ameriprise and Overbey for over fifteen years, ("Victim 2"), was induced by Overbey to invest \$218,000.00 into a purported business, "Color Me Coffee."
15. In the late 1996 Overbey first solicited Victim 2 to invest in Color Me Coffee, a business that was, as Overbey described, minority-owned for tax benefits and operating out of Navy Pier and the McCormick Center in Chicago.
16. According to the Secretary of State's Business Services records the real "Color Me Coffee" had dissolved in 1992, long before Overbey began soliciting investments in its name.
17. Overbey deposited Victim 2's money into Overbey's personal banking account.
18. In August of 2006 Overbey solicited Victim 2 for a \$50,000.00 short-term investment into another purported coffee business in Indianapolis.
19. Overbey deposited Victim 2's \$50,000.00 into a banking account under his Overbey's management and control.
20. Overbey promised the investment would be repaid in a few days, with interest.
21. However, Despite Victim 2's repeated demands for payment, Overbey refuses to pay Investor 2 his principal and interest.
22. When Investor 2 demanded Overbey to provide financial reports and documentation regarding his \$218,000 "Color Me Coffee" investment, Overbey refused.
23. The activities described in paragraphs 14, 15, 17, 18, 19 and 20, above, constitute the offer and sale of an investment contract, and evidence of indebtedness, and therefore a security, as those terms are defined in Sections 2.1, 2.5, and 2.5a of the Illinois Securities Law of 1953 [815 ILCS 5/1 *et seq.*] (the "Act").
24. Section 5 of the Act requires all securities offered or sold in Illinois to be registered with the Secretary of State.
25. Section 12.A of the Act states that it shall be a violation of the provisions of the Act to offer or sell any security except in accordance with the provisions of this Act.

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26. Section 12.D of the Act states that it shall be a violation of the provisions of the Act to fail to file with the Secretary of State any application, report or document required to be filed under the provisions of the Act or any rule or any regulation made by the Secretary of State.
27. Overbey's Investment Contracts, as described above, were not registered with the Secretary of State, and therefore, Respondent has violated Sections 5, 12.A and 12.D of the Act.
28. Section 12.F of The Illinois Securities Law of 1953, 815 ILCS 5/1 *et seq.*, (The "Act") states that it shall be a violation of the provisions of this Act for any person to, "engage in any transaction, practice or course of business in connection with the sale or purchase of securities which works or tends to work a fraud or deceit upon the purchaser or seller thereof." 815 ILCS 5/12.F.
29. Section 12.G of the Act states that it shall be a violation of the provisions of this Act for any person to, "obtain money or property through the sale of securities by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading." 815 ILCS 5/12.G.
30. Section 12.I of the Act states that it shall be a violation of the provisions of this Act for any person to, "employ any device, scheme, or artifice to defraud in connection with the sale or purchase of any security, directly or indirectly. 815 ILCS 5/12.I.
31. Section 8.E(1)(b) of the Act states that the registration of an investment advisor representative may be suspended or revoked if that investment advisor representative has engaged in any unethical practice in connection with any security, the offer or sale of securities or in any fraudulent business practice. 815 ILCS 5/8.E (1)(b).
32. The allegations contained in paragraphs 14 through 22, above, constitute violations of Sections 12.F, 12.I, 12.G and 8.E(1)(b) of the Act.

Victim Three:

33. In August of 2003 Overbey solicited an Ameriprise client ("Victim 3"), a client since 1991, for a \$10,000.00 business loan to purportedly assist another Ameriprise client to close on a business sale.
34. Again, in May of 2006, Overbey solicited Victim 3 for another \$50,000.00 business loan claiming that the 2003 closing had been held-up and more money would be needed, temporarily, to complete the closing and get Victim 3's principal and interest paid.
35. Overbey told Victim 3 that the transactions were backed by Ameriprise, and that once the closing occurred Victim 3 would get all of the principal and interest owed him.

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36. Overbey misrepresented that this transaction was backed by Ameriprise, and, furthermore, the underlying investment itself was fabricated by Overbey.
37. Victim 3 provided Overbey with two checks, totaling \$50,000.00, in May of 2006.
38. On May 10, 2006 Overbey deposited Victim 3's money into his personal banking account, which, at that time, had been depleted and he had incurred several insufficient fund and returned item fees and charges due to Overbey's repeated overdrafts from his account.
39. On May 12, 2006, Overbey, with Victim 3's money in his banking account, began paying his personal bills including his \$577.79 monthly car payment, his \$120.00 cable television bill, his credit card debt and his life insurance premium, after which Overbey was back at the casinos, spending Victim 3's money at the card tables and roulette wheel.
40. Overbey refuses to pay Victim 3 his principal and interest despite repeated demands.
41. The activities described in paragraphs 33, 34, 35, 37 and 38 above, constitute the offer and sale of an investment contract, and evidence of indebtedness, and therefore a security, as those terms are defined in Sections 2.1, 2.5, and 2.5a of the Illinois Securities Law of 1953 [815 ILCS 5/1 *et seq.*] (the "Act").
42. Section 5 of the Act requires all securities offered or sold in Illinois to be registered with the Secretary of State.
43. Section 12.A of the Act states that it shall be a violation of the provisions of the Act to offer or sell any security except in accordance with the provisions of this Act.
44. Section 12.D of the Act states that it shall be a violation of the provisions of the Act to fail to file with the Secretary of State any application, report or document required to be filed under the provisions of the Act or any rule or any regulation made by the Secretary of State.
45. Overbey's Investment Contracts, as described above, were not registered with the Secretary of State, and therefore, Respondent has violated Sections 5, 12.A and 12.D of the Act.
46. Section 12.F of The Illinois Securities Law of 1953, 815 ILCS 5/1 *et seq.*, (The "Act") states that it shall be a violation of the provisions of this Act for any person to, "engage in any transaction, practice or course of business in connection with the sale or purchase of securities which works or tends to work a fraud or deceit upon the purchaser or seller thereof." 815 ILCS 5/12.F.
47. Section 12.G of the Act states that it shall be a violation of the provisions of this Act for any person to, "obtain money or property through the sale of securities by means of any untrue statement of a material fact or any omission to state a material fact necessary in

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order to make the statements made, in light of the circumstances under which they were made, not misleading.” 815 ILCS 5/12.G.

48. Section 12.I of the Act states that it shall be a violation of the provisions of this Act for any person to, “employ any device, scheme, or artifice to defraud in connection with the sale or purchase of any security, directly or indirectly. 815 ILCS 5/12.I.
49. Section 8.E(1)(b) of the Act states that the registration of an investment advisor representative may be suspended or revoked if that investment advisor representative has engaged in any unethical practice in connection with any security, the offer or sale of securities or in any fraudulent business practice. 815 ILCS 5/8.E (1)(b).
50. The allegations contained in paragraphs 33 through 40, above, constitute violations of Sections 12.F, 12.I, 12.G and 8.E(1)(b) of the Act.

Victims Four and Five

51. In May of 2006 Overbey solicited two long-term Ameriprise clients (“Victims 4 and 5,” respectively) to provide a \$25,000.00 business loan for the purported sale of another Ameriprise client’s business.
52. Overbey stated that the business loan would be paid back with interest in two days and that the transaction was backed by Ameriprise.
53. Overbey’s representations that this transaction was backed by Ameriprise was a lie, as was the existence of the underlying business transaction.
54. On June 28, 2006, Overbey deposited Victim 4 and 5’s money into his personal banking account.
55. At that time Overbey had depleted his personal banking account, incurring significant insufficient fund and returned item fees and charges.
56. On the same day that Overbey deposited Victim 4 and 5’s money into his own personal bank account, Overbey withdrew \$36,000.00, and on the next day an additional \$9,000.00 . Overbey also began paying his personal bills such as Netflix movie rental, AOL high speed internet service, and even his life insurance premium.
57. Overbey refused to pay Victims 4 and 5 their principal and interest.
58. The activities described in paragraphs 51, 52 and 54, above, constitute the offer and sale of an investment contract, and evidence of indebtedness, and therefore a security, as those terms are defined in Sections 2.1, 2.5, and 2.5a of the Illinois Securities Law of 1953 [815 ILCS 5/1 *et seq.*] (the “Act”).

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59. Section 5 of the Act requires all securities offered or sold in Illinois to be registered with the Secretary of State.
60. Section 12.A of the Act states that it shall be a violation of the provisions of the Act to offer or sell any security except in accordance with the provisions of this Act.
61. Section 12.D of the Act states that it shall be a violation of the provisions of the Act to fail to file with the Secretary of State any application, report or document required to be filed under the provisions of the Act or any rule or any regulation made by the Secretary of State.
62. Overbey's Investment Contracts, as described above, were not registered with the Secretary of State, and therefore, Respondent has violated Sections 5, 12.A and 12.D of the Act.
63. Section 12.F of The Illinois Securities Law of 1953, 815 ILCS 5/1 *et seq.*, (The "Act") states that it shall be a violation of the provisions of this Act for any person to, "engage in any transaction, practice or course of business in connection with the sale or purchase of securities which works or tends to work a fraud or deceit upon the purchaser or seller thereof." 815 ILCS 5/12.F.
64. Section 12.G of the Act states that it shall be a violation of the provisions of this Act for any person to, "obtain money or property through the sale of securities by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading." 815 ILCS 5/12.G.
65. Section 12.I of the Act states that it shall be a violation of the provisions of this Act for any person to, "employ any device, scheme, or artifice to defraud in connection with the sale or purchase of any security, directly or indirectly. 815 ILCS 5/12.I.
66. Section 8.E(1)(b) of the Act states that the registration of an investment advisor representative may be suspended or revoked if that investment advisor representative has engaged in any unethical practice in connection with any security, the offer or sale of securities or in any fraudulent business practice. 815 ILCS 5/8.E (1)(b).
67. The allegations contained in paragraphs 51 through 57, above, constitute violations of Sections 12.F, 12.I, 12.G and 8.E(1)(b) of the Act.

Victims Six and Seven

68. In July and August of 2005 Overbey solicited two Ameriprise clients ("Victims 6 and 7, respectively") to invest \$150,000.00 into Investment Notes purportedly guaranteed by the State of Illinois.

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69. Overbey told Victims 6 and 7, both educators, that the purported Investment Notes were established to assist in financing the education of poor children in Chicago, would provide at least a 10% return, and had no risk because they were guaranteed by the local and State governments of Illinois.
70. In August of 2005 Overbey deposited Victim 6 and 7's money into a banking account under his management and control.
71. The purported government-backed investment notes Overbey sold to Victims 6 and 7 never existed.
72. During the same period of time (the summer of 2005) Overbey's personal banking account at Chase had been overdrawn and incurring insufficient fund and returned item fees and charges.
73. After obtaining Victim 6 and 7's money, Overbey again began paying his personal bills, including his rent, life insurance premium, credit card debt, bank debt and, his \$100.00 cable bill for that month, and his utility bills.
74. Section 5 of the Act requires all securities offered or sold in Illinois to be registered with the Secretary of State.
75. Section 12.A of the Act states that it shall be a violation of the provisions of the Act to offer or sell any security except in accordance with the provisions of this Act.
76. Section 12.D of the Act states that it shall be a violation of the provisions of the Act to fail to file with the Secretary of State any application, report or document required to be filed under the provisions of the Act or any rule or any regulation made by the Secretary of State.
77. Overbey's "government backed" Investment Contracts, as described above, were not registered with the Secretary of State, and therefore, Respondent has violated Sections 5, 12.A and 12.D of the Act.
78. The activities described in paragraphs 68 through 70, above, constitute the offer and sale of an investment contract, and evidence of indebtedness, and therefore a security, as those terms are defined in Sections 2.1, 2.5, and 2.5a of the Illinois Securities Law of 1953 [815 ILCS 5/1 *et seq.*] (the "Act").
79. Section 12.F of The Illinois Securities Law of 1953, 815 ILCS 5/1 *et seq.*, (The "Act") states that it shall be a violation of the provisions of this Act for any person to, "engage in any transaction, practice or course of business in connection with the sale or purchase of securities which works or tends to work a fraud or deceit upon the purchaser or seller thereof." 815 ILCS 5/12.F.

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80. Section 12.G of the Act states that it shall be a violation of the provisions of this Act for any person to, "obtain money or property through the sale of securities by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading." 815 ILCS 5/12.G.
81. Section 12.I of the Act states that it shall be a violation of the provisions of this Act for any person to, "employ any device, scheme, or artifice to defraud in connection with the sale or purchase of any security, directly or indirectly. 815 ILCS 5/12.I.
82. Section 8.E(1)(b) of the Act states that the registration of an investment advisor representative may be suspended or revoked if that investment advisor representative has engaged in any unethical practice in connection with any security, the offer or sale of securities or in any fraudulent business practice. 815 ILCS 5/8.E (1)(b).
83. The allegations contained in paragraphs 68 through 73, above, constitute violations of Sections 12.F, 12.I, 12.G and 8.E(1)(b) of the Act.

Victims Eight and Nine

84. In March of 2006 Overbey had solicited another two Ameriprise clients ("Victims 8 and 9," respectively) for a \$50,000.00 investment into "1010 Chicago Real Estate LLC."
85. On March 30, 2006 Overbey deposited Victim 8 and 9's money into his personal banking account and immediately paid his personal bills.
86. At that time Overbey had depleted his personal banking account, incurring insufficient fund and returned item fees and charges.
87. According to the Secretary of State's Business Services records there is no "1010 Chicago Real Estate LLC." registered to do business in the State of Illinois.
88. Overbey refuses to pay Victims 8 and 9 their principal and interest.
89. The activities described in paragraphs 84 through 85, above, constitute the offer and sale of an investment contract, and evidence of indebtedness, and therefore a security, as those terms are defined in Sections 2.1, 2.5, and 2.5a of the Illinois Securities Law of 1953 [815 ILCS 5/1 *et seq.*] (the "Act").
90. Section 5 of the Act requires all securities offered or sold in Illinois to be registered with the Secretary of State.
91. Section 12.A of the Act states that it shall be a violation of the provisions of the Act to offer or sell any security except in accordance with the provisions of this Act.

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92. Section 12.D of the Act states that it shall be a violation of the provisions of the Act to fail to file with the Secretary of State any application, report or document required to be filed under the provisions of the Act or any rule or any regulation made by the Secretary of State.
93. Overbey's "1010 Chicago Real Estate" investment, as described above, was not registered with the Secretary of State, and therefore, Respondent has violated Sections 5, 12.A and 12.D of the Act.
94. Section 12.F of The Illinois Securities Law of 1953, 815 ILCS 5/1 *et seq.*, (The "Act") states that it shall be a violation of the provisions of this Act for any person to, "engage in any transaction, practice or course of business in connection with the sale or purchase of securities which works or tends to work a fraud or deceit upon the purchaser or seller thereof." 815 ILCS 5/12.F.
95. Section 12.G of the Act states that it shall be a violation of the provisions of this Act for any person to, "obtain money or property through the sale of securities by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading." 815 ILCS 5/12.G.
96. Section 12.I of the Act states that it shall be a violation of the provisions of this Act for any person to, "employ any device, scheme, or artifice to defraud in connection with the sale or purchase of any security, directly or indirectly. 815 ILCS 5/12.I.
97. Section 8.E(1)(b) of the Act states that the registration of an investment advisor representative may be suspended or revoked if that investment advisor representative has engaged in any unethical practice in connection with any security, the offer or sale of securities or in any fraudulent business practice. 815 ILCS 5/8.E (1)(b).
98. The allegations contained in paragraphs 84 through 88, above, constitute violations of Sections 12.F, 12.I, 12.G and 8.E(1)(b) of the Act.

Respondent Overbey Refused to Respond to the Department's Subpoenas

99. On or about November 8, 2006 Overbey was personally served with two Subpoenas by the Department, one requesting documents, and the second for Overbey to provide a sworn statement.
100. Overbey refused to respond to the Subpoenas; Overbey provided non-responsive documents and refused to appear to provide a sworn statement.
101. Pursuant to the authority granted in Section 11.D of the Act the Illinois Securities Department ("Department") may issue subpoenas for the purposes of investigation and enforcement of the Act.

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102. Section 12.D of the Act provides, *inter alia*, that it shall be a violation for any person to fail to file with the Secretary of State any application, report or document required to be filed under the provisions of the Act or any rule or regulation made by the Secretary of State pursuant to the Act.
103. By virtue of his refusal to comply to the subpoenas' demand for documents and for a sworn statement, Respondent Overbey has violated Section 12.D of the Act.

OVERBEY IS A CONTINUING THREAT TO THE INVESTING PUBLIC AND PROHIBITION IS NECESSARY

104. Overbey continues to contact certain Victims in an attempt to lull them into believing that he will pay them and to prevent them from cooperating with this and other investigations into his activities.
105. Moreover, a review of Overbey's personal banking account statements indicates that there are numerous other individuals that he has victimized and continues to victimize with his financial malfeasances.
106. Section 11.F(2) of the Act states that the Secretary of State may temporarily prohibit or suspend, by an order effective immediately, the offer or sale of securities if the Secretary of State shall in his or her opinion, based on credible evidence, deem it necessary to prevent an imminent violation of the Act or to prevent losses to investors.
107. Overbey's refusal to respond to the Department's properly served Subpoenas, and his continued refusal to respond, constitutes an ongoing violation of the Act and further indicates Overbey's total lack of respect for laws and regulations designed to protect the investing public.
108. This action is necessary to prevent imminent losses to existing investors and to protect the public as the above described evidence shows that Respondent Overbey has committed fraud in the sale of securities and continues to do business from the State of Illinois, continues to contact Investors in an attempt to lull them into believing that he will pay them their money.

RETROACTIVE SUSPENSION OF REGISTRATION

109. Section 11(F)(2) of the Act states that the Secretary of State may temporarily suspend, by order effective immediately, the registration of a dealer, salesperson, investment advisor, investment advisor representative if the Secretary of State shall in his or her opinion, based on credible evidence, deem it necessary to prevent an imminent violation of the Act or to prevent losses to investors.
110. This action is necessary to prevent imminent losses to existing investors and to protect the public as the above described evidence shows that Respondent Overbey has committed fraud in the sale of securities and continues to do business from the State of

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Illinois, continues to contact Investors in an attempt to lull them into believing that he will pay them their money.

NOW THEREFORE IT IS HEREBY ORDERED THAT: pursuant to the granted by Section 11.F of the Act, Respondent Oscar Donald Overbey, Jr. is **PROHIBITED** from offering or selling securities in or from this State **AND** Oscar Donald Overbey, Jr.'s registration as in Investment Advisor and Investment Advisor Representative in the State of Illinois is **SUSPENDED** retroactively to July 28, 2006 until further Order of the Secretary of State.

NOTICE is hereby given that Respondents may request a hearing on this matter by transmitting such request in writing to the Director, Illinois Securities Department, 69 W. Washington Street, Suite 1220, Chicago, Illinois 60602. Such request must be made within thirty (30) calendar days of the date of entry the Temporary Order of Prohibition. Upon receipt of a request for hearing, a hearing will be scheduled as soon as reasonably practicable. A request for hearing will not stop the effectiveness of this Temporary Order and will extend the effectiveness of this Temporary Order for sixty days from the date the hearing request is received by the Department.

FAILURE BY ANY RESPONDENT TO REQUEST A HEARING WITHIN THIRTY (30) CALENDAR DAYS AFTER ENTRY OF THIS TEMPORARY ORDER OF PROHIBITION SHALL CONSTITUTE AN ADMISSION OF ANY FACTS ALLEGED HEREIN AND SHALL CONSTITUTE SUFFICIENT BASIS TO MAKE THIS TEMPORARY ORDER OF PROHIBITION FINAL.

Dated: This 21st day of March 2007.



JESSE WHITE
Secretary of State
State of Illinois

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