

STATE OF ALABAMA
ALABAMA SECURITIES COMMISSION

IN THE MATTER OF:)
)
FOSTER GAS CORPORATION) ADMINISTRATIVE ORDER
TOBY D. MASON) NO. CD-2003-005
THOMAS A. LEWIS)
)
RESPONDENTS)

CEASE AND DESIST ORDER

The Alabama Securities Commission ("Commission"), having the power to administer and provide for the enforcement of all provisions of Title 8, Chapter 6, Code of Alabama 1975, the Alabama Securities Act, upon due consideration of the subject matter hereof, and having confirmed information of the offer and sale of securities into, within, or from the State of Alabama, has determined as follows:

RESPONDENTS

1. FOSTER GAS CORPORATION ("RESPONDENT FOSTER GAS CORP.") is currently a Texas corporation, with a business address of HC 30, Box 241-K, Brownwood, Texas 76801. At all times relevant to violations set forth herein, RESPONDENT FOSTER GAS CORP., operated as an unregistered securities Dealer in the state of Alabama.

2. THOMAS A. LEWIS ("RESPONDENT LEWIS") is an agent of RESPONDENT FOSTER GAS CORP, with a business address of HC 30, Box 241-K, Brownwood, Texas 76801. RESPONDENT LEWIS was at all times relevant to the violations set forth herein the President of RESPONDENT FOSTER GAS CORP., and was not registered as a securities agent in the state of Alabama.

3. TOBY D. MASON ("RESPONDENT MASON") is an agent of RESPONDENT FOSTER GAS CORP, with a business address of HC 30, Box 241-K, Brownwood, Texas 76801. RESPONDENT MASON was at all times relevant to the violations set forth herein an agent of RESPONDENT FOSTER GAS CORP., and was not registered as a securities agent in the state of Alabama.

STATEMENT OF FACTS

4. The Commission is in receipt of information that RESPONDENTS LEWIS and MASON engaged in the offer and/or sale, to Alabama residents, of fractionalized working interest (Units) in RESPONENT FOSTER GAS CORP oil and gas venture project called "The Winter Wildcat Program".

5. The Winter Wildcat Program consisted of a joint venture oil and gas drilling operation called "The Winter Leaf" Section 12 Township 33 F Range 17 E, located in Labette County, Kansas.

6. During March 2002, RESPONDENT FOSTER GAS CORP., through its agents RESPONDENTS LEWIS AND MASON, contacted an Alabama resident telephonically using the practice, commonly referred to as cold calling.

7. RESPONDENT FOSTER GAS CORP and its agents RESPONDENTS LEWIS and MASON sold one unit of "The Winter Leaf" project, to an Alabama resident, without benefit of the securities being either registered or exempt from registration in the state of Alabama.

8. A review of the Private Placement Memorandum for the joint venture offered by RESPONDENT FOSTER GAS CORP., disclosed that 30 units were available for participation at \$8,473.92, with a minimum of one unit per participant.

10. RESPONDENT MASON offered and sold an Alabama resident one unit of The Winter Leafe project at a cost of \$8, 473.92, with a guarantee of interest payments by the end of May 2002.

11. RESPONDENT MASON represented to the Alabama resident that "The Winter Leafe" project would begin distributing interest payments by the end of May 2002.

12. A review of the files of the Commission, disclosed no record of registration for RESPONDENTS FOSTER GAS CORP., MASON, or LEWIS, as securities agents or dealers in the state of Alabama

13. A review of the files of the Commission, disclosed no record of registration, nor any exemption from registration, of the securities of RESPONDENT FOSTER GAS CORP.

CONCLUSIONS OF LAW

14. RESPONDENTS FOSTER GAS CORP., MASON and LEWIS are not registered as securities agents or dealers in the state of Alabama.

15. Transacting business in the State of Alabama as a securities agent or dealer while unregistered is a violation of § 8-6-3(a), Code of Alabama, 1975.

16. The securities of RESPONDENT FOSTER GAS CORP, sold by RESPONDENT MASON and/or LEWIS, as set forth in paragraphs 5 and 7, above, are not registered, nor exempt from registration in the state of Alabama.

17. The sale of unregistered, non-exempt securities into, within, or from the state of Alabama is a violation of § 8-6-4, Code of Alabama, 1975.

This Order is appropriate in the public interest for the protection of investors and consistent with the purpose of the Alabama Securities Act.

ACCORDINGLY, IT IS HEREBY ORDERED that, RESPONDENTS FOSTER GAS CORP., MASON, and LEWIS immediately CEASE AND DESIST from further offers or sales of any security into, within, or from the State of Alabama.

Entered at Montgomery, Alabama, this 30 day of March, 2003.

ALABAMA SECURITIES COMMISSION
770 Washington Street, Suite 570
Montgomery, Alabama 36130-4700

BY:

JOSEPH P. BORG
Director

