

STATE OF ALABAMA  
ALABAMA SECURITIES COMMISSION

IN THE MATTER OF: )  
 )  
TIM FOREHAND & ASSOCIATES LLC )  
TIMOTHY EARL FOREHAND ) ADMINISTRATIVE ORDER  
DEBRA HOLTE FOREHAND ) NO. CD-2004-0016  
 )  
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 ("Act"), upon due consideration of the subject matter hereof, and having confirmed information of the offers for sale and/or sale of securities, into, within or from the state of Alabama, has determined as follows:

RESPONDENTS

1. TIM FOREHAND & ASSOCIATES LLC ("T F & A") is an Alabama business entity allegedly specializing in "TAX SERVICES" with a business address of 170, South Oates Street, Ste 2, Dothan, AL., 36301.
2. TIMOTHY EARL FOREHAND ("TIM FOREHAND") is the owner of Tim Forehand & Associates LLC., with a business address of 170 South Oates Street, Ste 2, Dothan, AL., 36301, and a home address of 94 Chocolate Hill Rd, Dothan, AL. 36303.
3. DEBRA HOLTE FOREHAND ("DEBRA FOREHAND") is the President of Tim Forehand & Associates LLC., with a business address of 170 South Oates Street, Ste 2, Dothan, AL., 36301 and a home address of 94 Chocolate Hill Rd, Dothan, AL. 36303.

## STATEMENT OF FACTS

4. The Alabama Securities Commission is in receipt of information that on March 1, 2001, TIM FOREHAND solicited Cecil and Denise Pybus, Alabama residents living in Dothan, AL., to invest their retirement savings, totaling \$60,631.16. According to the Pybuses, Timothy Forehand never explained the nature of the investment, stating only that the investment would make a large return. No disclosure documents or any evidence of the investment were obtained by Mr. and Mrs. Pybus.

5. The Forehands opened an "Escrow Account" at MidSouth Bank of Ashford, Alabama, and deposited the investment funds. Records indicate that the Forehands utilized the deposited investment funds for their own personal use, with the exception of \$10,000.00 which was returned to the Pybus's over a ten (10) month period, and was described by Timothy Forehand as a "dividend".

6. On November 4, 2003, Mr. and Mrs. Pybus filed an "incident" report with the Dothan Police Department concerning their investment loss with the Forehands. On February 26, 2004, the Pybus's signed a warrant citing Theft by Deception in the 1<sup>st</sup> Degree against Tim and Debra Forehand. The Forehands have now repaid the investment funds to Mr. and Mrs. Pybus. Information provided to this office by the District Attorney's office in Houston County stated that Tim and Debra Forehand have received "Deferred Prosecution" as a result of repayment of the Pybus's investment funds.

7. A review of the files of the Alabama Securities Commission revealed no record of registration, nor exemption from registration of the securities, mentioned in item #4 above that were sold to an Alabama resident.

8. A review of the registration files of the Alabama Securities Commission disclosed no record of registration of TIM FOREHAND & ASSOCIATES or TIMOTHY EARL and DEBRA HOLTE FOREHAND as a securities Dealer or Agents and/or investment advisors in the state of Alabama.

## CONCLUSIONS OF LAW

9. The investment described in paragraphs four (4) and five (5) above is a security as defined under Section 8-6-2(10) Code of Alabama 1975. The sale of unregistered securities

in the state of Alabama is a violation of Section 8-6-4, Code of Alabama 1975.

10. The Forehands are not registered as securities Dealer/Agents and/or investment advisors in the state of Alabama. The sale of securities by an unregistered Dealer/Agent and/or investment advisor in the state of Alabama is a violation of Section 8-6-3(a), Code of Alabama 1975.

This Order does not prevent the Alabama Securities Commission from seeking such other civil or criminal remedies that are available to it under the Act.

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

**ACCORDINGLY, IT IS HEREBY ORDERED** that TIM FOREHAND & ASSOCIATES LLC., TIMOTHY EARL FOREHAND and DEBRA HOLTE FOREHAND 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 26<sup>th</sup> day of July, 2004.



ALABAMA SECURITIES COMMISSION  
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BY:

Joseph P. Borg  
JOSEPH P. BORG  
Director