

ALABAMA SECURITIES COMMISSION

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Sylacauga Man Sentenced for Securities Violations

MONTGOMERY, ALABAMA (August 13, 2009) Steven Giddens, District Attorney for the 29th Judicial Circuit, Talladega County, Alabama; and, Joseph Borg, Director of the Alabama Securities Commission (ASC), report that Gary Allen Mitchell, a resident of Sylacauga, was sentenced in Talladega County Circuit Court to seven years in prison on each of three counts of securities fraud, which included one count of Fraud in Connection with the Sale of a Security and two counts of Securities Fraud from his position as an Investment Adviser. The charges are all Class C Felonies under Alabama law. Mitchell's seven-year sentence on each count will run concurrently and he was ordered to pay \$880,386 restitution to Alabama victims.

As a result of an ASC investigation, Mitchell was indicted by a Talladega County Grand Jury in October 2008, alleging that, doing business as the Meta Company, and also representing the Financial Center, LLC, both located in Sylacauga, Alabama, Mitchell offered and sold promissory notes valued at approximately \$95,000 to an Alabama investor. The indictment alleged that Mitchell misled the investor by concealing and/or misrepresenting the terms and performance of the notes and further failed to disclose excessive commissions and other maintenance fees associated with the offer and sale of the notes.

Subsequently, additional warrants obtained by the ASC charged Mitchell with securities fraud in connection with his role as an investment adviser with Performance Management Group (PMG), a Delaware Corporation formerly domiciled in Sylacauga. Mitchell was charged with raising capital on behalf of PMG from at least four Alabama investors and misleading all investors as to the exact nature and performance of their investment in the company. Further, Mitchell was charged for failing to disclose to an Alabama investor of PMG that some of his money was diverted to purchase Mitchell's home out of foreclosure.

"The Alabama Securities Commission's Enforcement and legal staff worked diligently with prosecutors and law enforcement in Talladega County to bring Mr. Mitchell to justice for his crimes," said Director Borg. "The sentence imposed by the Court in this case was particularly important because most of the victims were elderly. Mitchell preyed upon them and used their trust to further his own selfish needs. We want to send a strong and clear message that we will act aggressively to protect the citizens of Alabama from such financial predators."

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The ASC cautions potential investors to thoroughly scrutinize and research any investment opportunity or offer. Contact the ASC with inquiries concerning securities broker-dealers, agents, investment advisers, investment adviser representatives, financial planners, registration status of securities, to report suspected fraud or to obtain consumer information. The ASC provides free investor education and fraud prevention materials in print, on our website and through educational presentations upon request.

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For more information contact Dan Lord, Education and Public Affairs Manager, (334) 353-4858.

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