

**STATE OF ALABAMA
ALABAMA SECURITIES COMMISSION**

IN THE MATTER OF:

**SURE LINE ACCEPTANCE CORPORATION
FAITHFUL STEWARDS, INCORPORATED
JAMES W. KIRK
GLEN E. SMITH, JR.
THOM KIMMEL**

RESPONDENTS

**ADMINISTRATIVE ORDER
NO. CD 2010- 00²⁰**

CEASE AND DESIST ORDER

The Alabama Securities Commission ("Commission"), having the authority 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. **SURE LINE ACCEPTANCE CORPORATION, ("SLAC")** is a Nevada Corporation developed to offer collateralized loan programs primarily to the "sub-prime" credit customer involving the financing of used vehicles through installment loan contracts, with a business address of 1527 West 5th Street, Washington, North Carolina, 27889.

2. **FAITHFUL STEWARDS, INCORPORATED ("FAITHFUL STEWARDS")** is an Indiana Corporation and a religion based debt counseling entity, with a business address of 2255 Bordeaux Walk – Unit B1, Highland, Indiana, 46322.

3. **JAMES W. KIRK ("KIRK")** is the Chief Executive Officer and Treasurer of **SLAC** with a business address of 1527 West 5th Street, Washington, North Carolina, 27889.

4. **GLEN E. SMITH, JR. ("SMITH")** is the Chief Financial Officer and Secretary of **SLAC** with a business address of 1527 West 5th Street, Washington, North Carolina, 27889.

5. **THOM KIMMEL ("KIMMEL")** is the Director of **SLAC** and President of **FAITHFUL STEWARDS** with a business address of 1527 West 5th Street, Washington, North Carolina, 27889. During all times relevant to the issuance of this Order, **KIMMEL** acted as an agent of **SLAC** and **FAITHFUL STEWARDS**.

STATEMENT OF FACTS

6. In the spring of 2009 **KIMMEL**, utilizing **FAITHFUL STEWARDS** as the vehicle to approach Alabama churches and their parishioners, solicited Alabama residents to purchase securities in **SLAC**, to wit: promissory notes in what was described as a "Collateralized Note Program." The promissory notes were two year notes due from the date of issue and would pay simple interest of twelve percent (12%) per year, redeemed in whole, or in part, or rolled over for an additional one year period at the same rate of return.

7. The Commission is in possession of correspondence in the form of a letter dated May 12, 2009, executed by **SMITH**, who identifies himself as the Chief Financial Officer of **SLAC**. In the letter **SMITH** indicated that the Alabama residents had been referred to **SURE LINE ACCEPTANCE** by **KIMMEL**; also, Smith's letter solicited the Alabama residents to become involved in the Collateralized Note Program.

8. Documents obtained from the State of North Carolina, Department of the Secretary of State, identify **KIRK**, **SMITH**, and **KIMMEL** as principals in SLAC.

9. A review of the Indiana Secretary of State's website revealed that **FAITHFUL STEWARDS** is an Indiana "For-Profit" Domestic Corporation created on April 6, 2004. The website also identified **KIMMEL** as its Principal, President and Treasurer.

10. On March 18, 2010, a review of the Commission's registration files disclosed no record of registration, or any perfected exemption from registration, in the state of Alabama for the securities to wit: promissory notes identified as a "Collateral Note Program" offered to Alabama residents.

11. On March 18, 2010, a review of the Commission's registration files disclosed no record for the **RESPONDENTS** as ever being registered as an Issuer of securities, a securities Dealer, securities Agent, Investment Advisor, or Investment Advisor Representative in the state of Alabama.

CONCLUSION OF LAW

12. Section 8-6-2(10), Code of Alabama 1975, enumerates a "note" as a security. The promissory notes described herein as a "Collateralized Note Program" is a security offered by **RESPONDENTS** in violation of the Act.

13. Section 8-6-2(8) defines an offer to sell securities to include every attempt to offer or dispose of, or solicitation of an offer to buy a security, or interest in a security for value. The correspondence from **SMITH** dated May 12, 2009, to the Alabama residents, soliciting them to become involved in **SLAC's** "Collateralized Note Program" represents an offer to purchase/issue a security under the Act.

14. Section 8-6-2(2), Code of Alabama 1975, the definition of "Agent" includes any individual who represents a dealer or an issuer in effecting or attempting to effect sales of securities. By offering promissory notes entitled a "Collateralized Note Program",

KIRK, SMITH & KIMMEL acted in the capacity of a securities Agent as described under the Act.

15. Pursuant to section 8-6-2(10), Code of Alabama 1975, a securities Issuer is every person who proposes to issue or has issued any security in the state of Alabama. **SLAC** and **FAITHFUL STEWARDS** acted in the capacity of a securities Issuer who employed unregistered Agents by proposing to issue to Alabama residents promissory notes through the "Collateralized Note Program".

16. Pursuant to Section 8-6-3(a), Code of Alabama 1975, it is unlawful for any person to transact business in this state as a securities Dealer or Agent unless he is registered under this article. The **RESPONDENTS** acted as a securities Issuer, Dealer or Agent without benefit of registration with the Commission in violation of the Act.

17. Section 8-6-4, Code of Alabama 1975 states: It is unlawful for any person to offer or sell any security in this state unless it is registered under the Act; the security is exempt from registration under Section 8-6-10; or the transaction is exempt under Section 8-6-11. The securities offered by the **RESPONDENTS** to wit: the promissory notes in the form of a "Collateralized Note Program" were neither registered nor exempt from registration in Alabama at the time of solicitation or sale in violation of the Act.

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

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

Additionally, if the allegations set forth herein are found to be true through administrative adjudication, failure of the **RESPONDENTS** to make a timely request for hearing, or default of the **RESPONDENTS**, it is the intention of the Commission to

impose sanctions upon the **RESPONDENTS**. Such sanctions may include, inter alia, an administrative assessment imposed on **RESPONDENTS**, an additional administrative assessment for investigative costs arising from the investigation of the violation(s) described herein against **RESPONDENTS**, and a permanent order to bar **RESPONDENTS** from participation in any securities related industry in the state of Alabama.

ACCORDINGLY, IT IS HEREBY ORDERED that **RESPONDENTS** immediately **CEASE AND DESIST** from further offers or sales of any security into, within or from the state of Alabama.

Entered at Montgomery, AL, this 19th day of April, 2010.



ALABAMA SECURITIES COMMISSION
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BY:


J. Randall McNeill
Deputy Director