

STATE OF ALABAMA
ALABAMA SECURITIES COMMISSION

IN THE MATTER OF:)
)
INVESTINGCI.COM) ADMINISTRATIVE ORDER
LOUIS BERK) NO. OV-2016- 0005
TOMAS GOLDFMARK)
)
)
RESPONDENTS)

ORDER TO VACATE AS TO RESPONDENT LOUIS BERK ONLY

The Alabama Securities Commission ("Commission"), having 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. **INVESTINGCI ("ICI")** is a Florida based Limited Liability Company and is a trademark platform operated by SEL Investments, LTD. ICI has a business address of 1613 East Robinson Street, #5, Orlando, Florida 32803.
2. **LOUIS BERK, ("BERK")** is listed on the Florida Secretary of States website as the Registered Agent for ICI, and has a business address of 800 N. Magnolia Ave. Ste. 1800 Orlando, FL 32803 - 3271.
3. **TOMAS GOLDFMARK ("GOLDFMARK")** is identified on ICI emails to investors as, "Chief Trading Officer" and has a business address of 530 Lytton Avenue, 2nd Floor, Palo Alto, California 94301.

STATEMENT OF FACTS

4. On May 23, 2016, Cease and Desist Order No. **CD-2016-0005** was issued by the Commission, concerning the activities of **LOUIS BERK** and his involvement in **ICI**. During the course of the investigation, Commission staff determined that **GOLDFMARK** solicited investments from an Alabama

investor, acting as an investment adviser on behalf of **ICI**. A review of the Commission's registration files disclosed no record of registration for **ICI**, **GOLDMARK**, or **BERK** for the securities sold to the Alabama investor. Relying on this information, the Commission named **BERK** as a Respondent in the above-referenced Cease and Desist Order.

5. On June 17, 2016, in response to the Order, counsel for **BERK** contacted Commission staff to request an informal meeting.

6. On May 4, 2017, a meeting was held between Commission staff and **BERK**. Representations made by **BERK** during the meeting indicate the following: **BERK** was unaware of the illegal conduct giving rise to the Cease and Desist Order; **BERK** never solicited nor communicated with any Alabama investor; and **BERK** acted solely as a registered agent in Florida.

7. Following the informal meeting, **BERK** furnished email correspondence, text messages, and financial records corroborating the representations made to the Commission staff.

8. After further investigation, the Commission has concluded that **BERK** did not participate in any conduct that violated the Act.

Based upon good cause shown, the Cease and Desist Order No. **CD-2016-0005** issued against **RESPONDENTS**, on May 23, 2016 is hereby be vacated as it relates exclusively to **LOUIS BERK**.

The Cease and Desist Order remains in full force and effect as it pertains to all other **RESPONDENTS** named in the Order.

Entered at Montgomery, AL, this 22nd day of December, 2017.



ALABAMA SECURITIES COMMISSION

401 Adams Avenue, Suite 280

Montgomery, AL 36104

(334) 242-2984

BY:

Joseph P. Borg
Director