

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

BEFORE THE
SECURITIES COMMISSIONER

In the Matter of Attain ¹³⁹⁹²)
Direct, Inc. f/k/a All-Tech)
Investment Group, Inc.)
Respondent)

**PROPOSED ORDER TO DENY
THE PENDING BROKER/DEALER
APPLICATION OF ATTAIN
DIRECT, INC., AND NOTICE OF
RIGHT TO REQUEST A HEARING**

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**PROPOSED ORDER TO DENY THE PENDING
BROKER/DEALER APPLICATION OF ATTAIN DIRECT, INC.**

The North Dakota Securities Commissioner ("Commissioner") has received a broker/dealer application from Attain Direct, Inc., f/k/a All Tech Investment Group, Inc. and has reviewed that application. Based on the application and the Commissioner's investigation into this matter, the Commissioner has reason to believe the following:

- 1) Respondent, Attain Direct, Inc. ("Attain") is a broker/dealer which is located at 160 Summit Avenue in Montvale, New Jersey. Attain is not now and has never been registered as a broker/dealer in the state of North Dakota. On April 2, 1998, the Commissioner received a broker/dealer application from Attain.
- 2) In January of 1989, Attain was censured, suspended, and fined \$40,000 by the National Association of Securities Dealers, Inc. based on numerous violations of the NASD Rules of Fair Practice with regard to their operation of the small order execution system.
- 3) In September of 1990, Attain was fined \$1,000 by the National Association of Securities Dealers, Inc. based on violations of the NASD Rules of Fair

Practice with regard to their operation of the small order execution system and one client.

- 4) In August of 1995, Attain was censured and fined \$13,600 based on numerous violations of the NASD Rules of Fair Practice with regard to their operation of the small order execution system and 136 clients.
- 5) In May of 1999, Attain and some of its principals were the subject of an investigation by the securities regulators in the state of Massachusetts based on numerous violations of Massachusetts law, including violations of Massachusetts' anti-fraud statute. At the conclusion of the investigation, Attain entered into a stipulated Order wherein Attain agreed to several things which include the following:
 - a) Attain agreed to not open or operate a branch office in the State of Massachusetts for a period of two years.
 - b) Attain agreed to not open up any new accounts for Massachusetts customers for a period of two years.
 - c) Attain agreed to send a copy of the stipulated order to each Massachusetts client.
 - d) Attain agreed to not allow continued violations of the law with regard to Massachusetts clients.
 - e) Attain will not permit Massachusetts clients to transact business on behalf of a third party, or to allow a third party to transact business on behalf of a third party for a period of two years.

- f) Attain paid \$50,000 to the Massachusetts Investor's Protection Fund.
- 6) The information set forth above is sufficient grounds for the Commissioner to determine that Attain is "not of good business reputation" as that term is used in 10-04-10(1) N.D.C.C. and is sufficient grounds to deny the pending application of Attain pursuant to 10-04-10(6) N.D.C.C.
- 7) The following Order is necessary and appropriate in the public interest, and for the protection of investors and potential investors.

NOW, THEREFORE, it is hereby Ordered that the Commissioner proposes to deny the pending broker/dealer application of respondent, Attain Direct, Inc.

NOTICE OF RIGHT TO REQUEST HEARING

YOU ARE NOTIFIED that pursuant to §10-04-12 N.D.C.C. you may request a hearing before the Securities Commissioner if such a request is made in writing WITHIN FIFTEEN (15) DAYS AFTER THE RECEIPT OF THIS ORDER. The respondent has the right to be represented by legal counsel at the hearing.

In Testimony Thereof, witness my hand and seal this 19th day of October, 1999.



A handwritten signature in black ink, appearing to read "Syver Vinje".

Syver Vinje, Securities Commissioner
Office of the Securities Commissioner
600 East Boulevard Ave.
State Capitol – Fifth Floor
Bismarck, ND 58505-0510
(701) 328-2910

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BEFORE THE
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In the matter of Attain Direct,)
Inc., f/k/a All-Tech Investment)
Group, Inc.,)
Respondents)

**AFFIDAVIT OF SERVICE
BY MAIL**

I, Jacqui Ferderer, being first duly sworn, state that I am a citizen of the United States over the age of twenty-one years and not a party to or interested in the above-entitled proceeding.

On October 20, 1999, I deposited in the Central Mailing Bureau of the United States Post Office Department in the State Capitol in Bismarck, North Dakota, true and correct copies of the following document:

**PROPOSED ORDER TO DENY THE PENDING
BROKER/DEALER APPLICATION OF ATTAIN DIRECT, INC.,**

A copy of the above document was securely enclosed in an envelope with postage prepaid, sent via certified U. S. mail, return receipt and addressed to each of the following:

Attain Direct, Inc.
160 Summit Avenue
Montvale, NJ 07645

To the best of my knowledge, information, and belief, the address given above is the actual post office address of the party intended to be served.


Jacqui Ferderer

Subscribed and sworn to before me on October 20, 1999.


Diane Lillis, Notary Public
Burleigh County, North Dakota
My commission expires 4/26/2002

