

STATE OF NORTH DAKOTA

BEFORE THE

COUNTY OF BURLEIGH

SECURITIES COMMISSIONER

In the Matter of David C. Gess,)
CRD # 2224271,)
)
)
)
)
)
Respondent)

**ORDER FOR SUMMARY
SUSPENSION OF THE AGENT
REGISTRATION OF DAVID C. GESS,
PROPOSED ORDER TO REVOKE
THE AGENT REGISTRATION OF
DAVID C. GESS, AND NOTICE OF
RIGHT TO REQUEST A HEARING**

.....
The North Dakota Securities Commissioner has advised the respondent, David C. Gess, that the Commissioner is prepared to commence formal action pursuant to North Dakota Century Code Chapter 10-04 and finds as follows:

1. Respondent is a securities agent currently employed by and associated with Synergy Investment Group, LLC, (Synergy) a firm headquartered in Lexington, KY. Synergy is, and for all times relevant to this matter, has been registered as a dealer in North Dakota. Respondent is currently registered as an agent in North Dakota.
2. Respondent is the subject of multiple customer complaints that make various allegations, including unsuitable recommendations, unauthorized trading, and misrepresentation.
3. From 1999 to 2000, Respondent had been employed by Saperston Asset Management, Inc. (Saperston) and was properly registered as an agent in North Dakota. While employed by Saperston, Gess made three transactions on behalf of a North Dakota resident. Each of those transactions were made without the authorization of the North Dakota resident client. Additionally, each of the trade confirmations were inappropriately marked as "unsolicited".

4. Pursuant to section 10-04-15 N.D.C.C., no person may engage in fraudulent conduct in connection with the offer for or sale of any security in North Dakota. The activities described in paragraph 3(b) were conducted in violation of this section.

5. Pursuant to section 73-02-09-03 N.D.A.C., dishonest or unethical practices include, without limitation, the following:

- a. Executing a transaction on behalf of a client without authorization to do so.
- b. Engaging in manipulative or deceptive practices in connection with the offer, sale or purchase of securities.
- c. Violating the NASD conduct rules.

The activities set forth above constitute dishonest or unethical practices under section 73-02-09-03 N.D.A.C.

6. Pursuant to section 10-04-11(1) N.D.C.C., the Commissioner may revoke the registration of an agent if the Commissioner finds that the agent has violated the provisions of the Securities Act or any Orders issued pursuant thereto, or has engaged in dishonest, fraudulent or unethical practices. The activities set forth above constitute sufficient grounds for the revocation of the agent registration of David C. Gess.

7. This order is necessary and appropriate in the public interest for the protection of investors.

**ORDER FOR SUMMARY SUSPENSION OF THE
AGENT REGISTRATION OF DAVID C. GESS**

Based on the information set forth above, the North Dakota Securities Commissioner hereby suspends the agent registration of David C. Gess pending final resolution of this matter.

**PROPOSED ORDER TO REVOKE THE AGENT
REGISTRATION OF DAVID C. GESS**

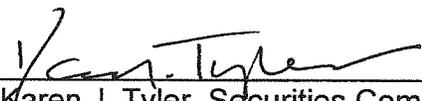
Based on the information set forth above, the North Dakota Securities Commissioner hereby proposes to revoke the agent registration of David C. Gess by issuing the attached Order to Revoke the Agent Registration of David C. Gess.

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 respondents have the right to be represented by legal counsel at the hearing.

Signed and Sealed this 11th day of August, 2003.





Karen J. Tyler, Securities Commissioner
Office of the Securities Commissioner
State Capitol-5th Floor
600 East Boulevard Ave.
Bismarck, ND 58505-0510
(701) 328-2910

STATE OF NORTH DAKOTA

BEFORE THE

COUNTY OF BURLEIGH

SECURITIES COMMISSIONER

In the Matter of David C. Gess,)
)
 Respondent.)

**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, August 12, 2003, 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:

**ORDER FOR SUMMARY SUSPENSION OF
THE AGENT REGISTRATION OF DAVID C.
GESS, PROPOSED ORDER TO REVOKE THE
AGENT REGISTRATION OF DAVID C. GESS,
AND NOTICE OF RIGHT TO REQUEST A HEARING**

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

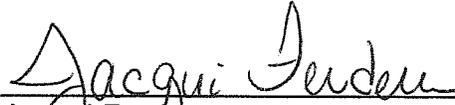
David C. Gess
Synergy Investment Group, LLC
1660 Dale Earnhardt Blvd
Kannapolis, NC 28083

David C. Gess
Synergy Investment Group, LLC
2069 Heather Way
Lexington, KY 40503

Jeffrey D. Jones
Synergy Investment Group, LLC
1660 Dale Earnhardt Blvd
Kannapolis, NC 28083

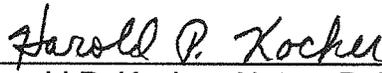
Jeffrey D. Jones
Synergy Investment Group, LLC
1108 Centergrove Road
Kannapolis, NC 28083

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



Jacquie Ferderer

Subscribed and sworn to before me on August 12th, 2003.



Harold P. Kocher, Notary Public
Burleigh County, North Dakota
My commission expires 4/26/2008

STATE OF NORTH DAKOTA

BEFORE THE

COUNTY OF BURLEIGH

SECURITIES COMMISSIONER

In the Matter of David C. Gess,)
)
 Respondent.)

**ORDER TO REVOKE THE
AGENT REGISTRATION OF
DAVID C. GESS**

.....
Based on hearing or otherwise, the Securities Commissioner has found that the Respondent engaged in multiple violations of the Securities Act and that the Respondent has engaged in unethical or deceptive practices as defined by applicable administrative rules. These acts and practices are sufficient grounds to revoke the agent registration of the respondent.

NOW, THEREFORE, the North Dakota Securities Commissioner hereby orders that the agent registration of David C. Gess is hereby revoked.

Signed and Sealed this _____ day of _____, 2003.

(SEAL)

Karen J. Tyler, Securities Commissioner
Office of the Securities Commissioner
State Capitol-5th Floor
600 East Boulevard Ave.
Bismarck, ND 58505-0510
(701) 328-2910