

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

**STATE OF NEBRASKA ex rel. MARK QUANDAHL, Director of Banking and Finance of the State of Nebraska,**

**Plaintiff,**

**v.**

**BWM ADVISORS, LLC (d/b/a BONNETT WEALTH MANAGEMENT), a Nebraska limited liability company; BONNETT FINANCIAL SERVICES, Inc. (d/b/a BONNETT WEALTH MANAGEMENT); JEROME P. BONNETT, JR. (a/k/a JOE BONNETT), Individually and in his corporate and representative capacity,**

**Defendants.**

Case No. CI-16-\_\_\_\_\_

**COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF**

**INTRODUCTION**

Plaintiff, State of Nebraska ex rel. Mark Quandahl, Director of Banking and Finance of the State of Nebraska, by and through counsel, pursuant to Neb. Rev. Stat. §§ 8-1116 and 25-1081 *et seq.*, seeks an order from this Court restraining and enjoining Defendants and persons acting in concert with them from any further act or practice in violation of the Securities Act of Nebraska, Neb. Rev. Stat. §§ 8-1101 *et seq.* (the “Act”). For the protection of the Defendants’ clients and to prevent the diversion or dissipation of investor funds, Plaintiff further seeks an order freezing any and all assets under the ownership, direction, custody or control of Defendants until all assets have been properly accounted and appointing a receiver for BWM ADVISORS, LLC, an investment advisor doing business in Nebraska as BONNETT WEALTH

MANAGEMENT and BONNETT FINANCIAL SERVICES, INC., also doing business as BONNETT WEALTH MANAGEMENT.

In support of this Complaint, Plaintiff alleges the following:

### **THE PARTIES**

1. Plaintiff is the Director of Banking and Finance of the State of Nebraska and in that capacity is charged with administering the Act, pursuant to Neb. Rev. Stat. § 8-1120.
2. Defendant BWM Advisors, LLC, (d/b/a Bonnett Wealth Management) (“BWM Advisors”), at all relevant times herein, is an investment advisor as defined in Neb. Rev. Stat. § 8-1101(7), with its last known principal place of business located at 14710 West Dodge Road, Suite 203, Omaha, Douglas County, Nebraska, 68154. BWM is registered as an investment adviser firm the Nebraska Department of Banking and Finance (the “Department”), with a Central Registration Depository/Investment Advisor Registration Depository (“CRD”) number of 159407.
3. Defendant Bonnett Financial Services, Inc. (d/b/a Bonnett Wealth Management) (“BFS”) is a dissolved Nebraska corporation. BFS was incorporated on May 18, 1994, and was administratively dissolved by the Nebraska Secretary of State on April 16, 2016, for failing to file the 2016 annual report and pay the occupation tax. Bonnett is the sole officer of BFS. BFS has never been registered with the Department in any capacity.
4. Defendant Jerome P. Bonnett, Jr. (a/k/a Joe Bonnett) (“Bonnett”) is an individual residing, on information and belief, at 3614 South 94th Street, Omaha, Douglas County, Nebraska 68124. Bonnett is a Certified Financial Planner and Certified Financial Consultant and is President and registered agent of BWM. Bonnett is registered with the Department as an investment advisor representative with a CRD number of 2143822.

5. Hereinafter, BWM Advisors, BFS, and Bonnett will be collectively referred to as “BWM.”
6. On information and belief, BWM manages approximately 83 accounts totaling approximately \$47.5 million in assets under management.

### **JURISDICTION AND VENUE**

7. The Court has jurisdiction over this action pursuant to Neb. Rev. Stat. § 8-1116.
8. The Court has personal jurisdiction over the Defendants and venue is proper because the Defendants’ acts and transactions constituting the violations of the Act occurred in Douglas County, Nebraska. In addition, BWM’s principal and registered office is located in Douglas County, Nebraska. In addition, Bonnett is a resident of Douglas County, Nebraska.

### **FACTUAL ALLEGATIONS**

9. On June 22, 2015, the Department commenced a routine investment advisor examination of BWM. During the examination, substantial co-mingling of assets between BWM, BFS, and Bonnett was discovered. Commissions were received directly into Bonnett’s personal bank accounts, and then money was transferred between BWM, BFS, and Bonnett.
10. On March 14, 2016, the Department received a complaint from an attorney, R.G., on behalf of his client, H.B. H.B. was a client of Bonnett, BFS, and BWM. The complaint alleged that Bonnett had failed to provide requested information regarding a purported annuity that H.B. and her late husband, D.B., had purchased.
11. R.G.’s complaint included a copy of an email dated December 16, 2015, in which Bonnett forwarded a copy of a purported annuity for D.B. and H.B. issued February 15, 2007. The annuity was purportedly issued by Woodmen

Accident and Life Insurance Company of Lincoln, Nebraska, which is now known as Assurity Life Insurance Company (“Assurity”).

12. Bonnett informed R.G. that H.B. could elect to receive the proceeds of the annuity as (1) a lump sum of \$335,638.22, (2) five annual payments estimated to be \$73,146, or (3) substantially equal portions over H.B.’s life expectancy.
13. Bonnett also provided R.G. with a spreadsheet which purported to be an accounting for H.B.’s account. According to the spreadsheet, H.B. and D.B. had made the following payments for the Assurity annuity:

February 13, 2007	\$50,000.00
June 7, 2007	\$60,000.00
October 21, 2008	\$30,000.00
October 29, 2008	\$40,000.00
April 6, 2010	\$35,000.00
July 22, 2010	\$15,000.00
Total	\$230,000.00

14. After receiving the information from Bonnett, H.B.’s accountant filed a “Notice of Death” form with Assurity. Assurity received the claim on December 21, 2015.
15. On January 8, Bonnett contacted a representative of Assurity and told her to disregard the death claim, that he had contacted H.B.’s CPA, and that the death claim would be filed with the correct company. Assurity then sent a letter to H.B.’s CPA confirming that there was no annuity contact with Assurity.
16. Contrary to the claim in his January 8, 2016 email, Bonnett had not contacted H.B.’s accountant. R.G. sent several letters and emails to Bonnett seeking clarification as to the identity of the annuity company. Bonnett never provided the requested information.

17. On March 8, 2016, Bonnett hand delivered to H.B. a printout showing the payments that H.B. and D.B. had made for the annuity, and a distribution schedule showing that the annuity would be distributed in five equal annual payments of \$73,506.72 beginning on March 7, 2016, and continuing until March 7, 2020. Bonnett also provided H.B. with a printout from H.B.'s account with Charles Schwab showing that a wire transfer in the amount of \$73,506.72 had been posted to her Charles Schwab account on March 7, 2016.
18. The documents Bonnett provided to H.B. did not identify the annuity company. Further, H.B. had never signed any document to elect to receive the annuity payments in five annual installments.
19. Upon receipt of the complaint, the Department, with the assistance of the Nebraska Department of Insurance, commenced an investigation into the allegations raised in the complaint. Charles Schwab informed R.G. that the wire had been received from "Gretna State Bank", which is now known as Pinnacle Bank. The Department had information from its 2015 examination which confirmed that BFS and BWM had accounts at Pinnacle Bank.
20. The Department obtained bank account records from Pinnacle Bank for BWM, BFS, and Hickory Street Apartments, LLC ("Hickory"), another entity owned by Bonnett. The March 31, 2016 bank statement for BFS showed that \$73,506.72 had been wired to Charles Schwab for the benefit of D.B. and H.B.'s account on March 7, 2016.
21. The bank records show that there was no corresponding deposit into BFS' account from any annuity company. Instead, on March 1, 2016, Bonnett deposited a check from "DMF" in the amount of \$400,000.00 into BFS' account. Prior to this deposit, the balance in BFS's account was \$276.16, and no other deposits were made between March 1, 2016, and March 7, 2016.

- Thus, the payment to H.B. was almost exclusively derived from the funds received from DMF.
22. Based upon the address on the check, the Department was able to trace this check to R.F. and D.F., a married couple. R.F. and D.F. are clients of Bonnett and BWM.
  23. Assurity independently informed the Nebraska Department of Insurance that it had no record of any annuity policy for D.B. and H.B.
  24. The checks that H.B. and D.B. gave Bonnett for the purchase of the purported Assurity annuity were payable to “Bonnett Wealth Management” and were deposited into BFS’s accounts at First Westroads Bank. The Department has confirmed for the first five checks, that after Bonnett deposited the checks, he would write checks payable to “Joe Bonnett” for virtually all of the proceeds, and either cash such checks or deposit them into Bonnett’s personal accounts at Wells Fargo Bank. The Department is in the process of obtaining information related to the last check in July of 2010.
  25. On April 12, 2016, Bonnett met with R.G., H.B., and H.B.’s son. At the meeting, he provided a spreadsheet with the dates of the checks he had received, an amortization schedule in which he calculated the amount of repayment with interest, and a proposed repayment schedules. In the notes written by Bonnett attached to the spreadsheet, he acknowledged that the “annuity does not exist (sic).”

### Loans

26. As stated in the foregoing paragraphs, the funds Bonnett used to repay H.B. were obtained from R.F. and D.F.
27. An investigator with the Nebraska Department of Insurance interviewed R.F. and D.F. on April 20, 2016. R.F. indicated to the investigator that Bonnett had approached him about “tax issues” that Bonnett was having. Bonnett

- wanted to know if he could borrow money from R.F. and D.F. to take care of the tax issue. R.F. indicated that he issued a check to Bonnett in the amount of \$400,000.00 which was the amount that Bonnett requested. No paperwork was prepared for the loan. The statement about the “tax issues” was partially true as Bonnett did issue a check to the United States Department of Treasury after receiving the loan from R.F. and D.F.
28. As part of the Department’s investigation, the Department learned that on or about October 28, 2015, R.I.C. had received a distribution of \$50,000.00 from its Charles Schwab account. The check from Charles Schwab was endorsed by W.R., President of R.I.C., and made payable to Joe Bonnett. Bonnett deposited the check into his bank account at Great Southern Bank on November 2, 2015.
29. R.I.C. is an investment advisory client of BWM and Bonnett.
30. On March 4, 2016, Bonnett wired \$51,000.00 of the proceeds from loan from R.F. and D.F. to Charles Schwab for the benefit of R.I.C. The wire was to the same account from which R.I.C. had taken the distribution on October 28, 2015. It appears that the purpose of Bonnett’s March 4, 2016, wire transfer was to repay R.I.C. with interest for the money it had received four months previously.
31. On October 28, 2015, W.R. had received a \$100,000.00 distribution from his individual Charles Schwab account. The check from Schwab was endorsed by W.R. and made payable to Bonnett. Bonnett deposited the check into the same bank account at Great Southern Bank on November 2, 2015. The Department has been unable to locate any evidence that this obligation has been repaid to W.R.
32. W.R. is an investment advisory client of BWM and Bonnett.

33. Based upon the evidence reviewed to date, it appears that Bonnett has borrowed \$550,000.00 from his clients since October 2015, and \$500,000.00 of that debt remains outstanding.

Other clients

34. The Department has commenced an investigation into Bonnett's handling of client accounts. As of the date of this filing, there is a substantial amount of client funds that appear to be unaccounted for, specifically as follows:

a. R.S.

- i. R.S. is an investment advisory client of Bonnett and BWM.
- ii. On May 23, 2008, R.S. wrote a check in the amount of \$70,000.00 payable to Bonnett Wealth Management. Bonnett deposited the check into BFS' account at First Westroads Bank on May 27, 2008. Between May 23, 2008, and June 29, 2008, Bonnett wrote over \$68,000.00 in checks payable to himself and deposited into his personal accounts at Wells Fargo Bank. The only source of those funds was the check received from R.S.
- iii. On July 21, 2008, R.S. wrote a check in the amount of \$80,000.00 payable to Bonnett Wealth Management. Bonnett deposited the check into BFS' account at First Westroads Bank on July 22, 2008. Between July 21, 2008, and August 12, 2008, Bonnett wrote over \$79,000.00 in checks payable to himself and deposited into his personal accounts at Wells Fargo Bank. The only source of those funds was the check received from R.S.
- iv. On December 5, 2008, R.S. wrote a check in the amount of \$30,000.00 payable to Bonnett Wealth Management. Bonnett deposited the check into BFS' account at First Westroads Bank on December 5, 2008. At the time that Bonnett deposited the



check, he was overdrawn by \$2981.85. Between December 5, 2008, and December 22, 2008, Bonnett wrote \$26,900 in checks payable to himself and deposited into his personal accounts at Wells Fargo Bank. The only source of those funds was the check received from R.S.

- v. On May 15, 2009, R.S. wrote a check in the amount of \$50,000.00 payable to Bonnett Wealth Management. Bonnett deposited the check into BFS' account at First Westroads Bank on May 15, 2009. Between May 15, 2009, and June 29, 2009, Bonnett wrote \$49,000 in checks payable to himself and either cashed the checks or deposited them into his personal accounts at Wells Fargo Bank. The only source of those funds was the check received from R.S.
- vi. On June 29, 2009, R.S. wrote two checks, each for \$25,000.00, payable to Bonnett Wealth Management. Bonnett deposited one check into BFS' account at First Westroads Bank on June 30, 2009, and the other check into the same account on July 7, 2009. Between June 29, 2009, and July 22, 2009, Bonnett wrote \$49,500 in checks payable to himself and either cashed the checks or deposited them into his personal accounts at Wells Fargo Bank. Except for \$210.00 in other deposits, the sole source of those funds was the check received from R.S.
- vii. On May 6, 2010, R.S. wrote a check in the amount of \$60,000.00 payable to Bonnett Wealth Management. Bonnett deposited the check into BFS' account at First Westroads Bank on May 6, 2010. On information and belief, at the time that he made the deposit, Bonnett was kiting checks between Wells Fargo Bank

and First Westroads Bank such that \$10,000 of that check covered his outstanding kite. Between May 6, 2010, and May 17, 2010, Bonnett wrote two checks to clients, \$25,000 to R.K. as described below, and \$5873.32 to W.R. He also wrote checks to himself for a total of \$16,700.00, withdrew \$5,447.81 in cash. During that time, Bonnett had deposited an additional \$3,028.92 into the account, leaving a balance of \$37.35 on May 17, 2010.

- viii. After depositing the checks into BFS' bank account at First Westroads Bank, Bonnett would write checks for vast majority of the amount received from that account payable to himself, and either cash the checks or deposit them into his personal account at Wells Fargo Bank.
- ix. On information and belief, none of the proceeds appear to have been used to purchase any investment product for R.S.
- x. On information and belief, no money has been repaid to R.S. As of the date of this affidavit, it appears that the total amount of R.S.'s funds that are unaccounted for is \$340,000.00.

b. R.K. and G.K.

- i. R.K. and G.K. are investment advisory clients of Bonnett and BWM.
- ii. On November 2, 2007, R.K. signed a check payable to Bonnett Financial in the amount of \$150,000.00. Bonnett deposited the check into BFS' account at First Westroads Bank on November 7, 2007. At the time that this check was deposited, the account had a balance of \$24.17. From November 4, 2007 to February 20, 2008 Bonnett wrote checks from BFS' account payable to

- himself in the amount of \$147,700.00 and deposited those checks into his personal bank account at Wells Fargo Bank.
- iii. The memo line on the check from R.K. stated “Medical Capital”. Medical Capital Holdings, Inc. (“Med Cap”) was an issuer who conducted multiple offerings from 2003-08. The Department has confirmed that Bonnett sold Med Cap securities to a number of his clients.
  - iv. No record exists that any of the funds given by R.K. and G.K. in November 2007 were actually used to purchase Med Cap securities. Those funds appear to have been converted to Bonnett’s personal use.
  - v. On February 7, 2012, Bonnett received \$70,205.00 from R.K. and G.K. via a wire transfer received into Bonnett’s personal bank account at American National Bank. After receiving the funds, Bonnett transferred \$25,000 into his business accounts, and ultimately the funds were dissipated. Bonnett paid \$34,053.13 to American Express. On information and belief, none of the funds were used to purchase any investment product.
  - vi. On March 8, 2014, R.K. wrote a check in the amount of \$45,379.89 payable to Bonnett individually. Bonnett deposited the check into his personal account at Great Southern Bank on March 13, 2014. Between March 13, 2014 and March 21, 2014, Bonnett paid \$25,674.21 to American Express; \$6,100 to SP Servicing for a mortgage payment; and \$6,000.00 to Chase. In addition, \$6,840.81 was automatically deducted from the account to pay a Great Southern Bank business loan for an

entity that Bonnett and other individuals, some of whom were clients, had formed to operate a restaurant.

- vii. The memo line on the March 8<sup>th</sup> check also stated “Medical Capital.” None of the money was used to purchase any securities offered by Med Cap; in fact, it was impossible for such funds to be used to purchase Med Cap securities as the United States Securities and Exchange Commission had obtained an injunction and receivership against Med Cap in 2009.
- viii. In 2010, Bonnett wrote several checks to R.K. totaling \$63,099.02. The Department has yet to determine the basis for such payments. \$25,000 of the payments to R.K. came directly from R.S.’s investment on May 6, 2010.
- ix. From 2007-2014, R.K. and G.K. sent \$266,184.89 to Bonnett, and Bonnett had sent \$63,099.02 back to R.K. Therefore, the total amount of R.K. and G.K.’s funds that are unaccounted for is at least \$203,085.87.

c. R.K.2.

- i. R.K.2. is an investment advisory client of Bonnett and BWM.
- ii. On April 30, 2006, R.K.2. wrote a check payable to Bonnett Wealth Management in the amount of \$16,000.00. The memo line on the check stated “2005/2006 IRA. “
- iii. Bonnett deposited the check into BFS’ account on May 30, 2006. On May 30, 2006, Bonnett wrote two checks payable to himself in the total amount of \$15,000.00 and deposited such checks into his personal account at Wells Fargo Bank. The remaining \$1,000.00 was also transferred into Bonnett’s personal accounts on June 12, 2006.

- iv. On information and belief, none of the money provided by R.K.2. appears to have been used to make any investment in an IRA account. Instead, it was transferred into Bonnett's personal accounts. It appears that the total amount of R.K.2.'s funds that are unaccounted for is \$16,000.00
- d. C.U. and G.U.
- i. C.U. and G.U. are former investment advisory clients of Bonnett and BWM. C.U. and G.U. terminated their relationship with Bonnett and BWM in December 2013. According to information supplied by Bonnett during the Departments' examination, C.U. and G.U. wanted to use a financial professional located closer to their home.
  - ii. On March 12, 2007, C.U. wrote a check payable to Bonnett Wealth Management in the amount of \$47,300.00. Bonnett deposited the check into BFS' account at First Westroads Bank. The same day he wrote a check payable to himself in the amount of \$45,000.00 and deposited it into his Wells Fargo Bank account. The remaining funds were transferred to his Wells Fargo Bank accounts in April 2007.
  - iii. On January 26, 2010, C.U. wrote a check payable to Bonnett Wealth Management in the amount of \$75,000.00. Bonnett deposited the check into BFS' account at First Westroads Bank. Bonnett subsequently wrote \$32,000 in checks to himself that he either cashed or placed into his Wells Fargo Bank account. Bonnett wired \$40,000 to another client.
  - iv. On August 10, 2010, G.U. wrote a check payable to Bonnett Wealth Management in the amount of \$30,000.00 Bonnett

deposited the check into BFS' account at First Westroads Bank. Bonnett immediately wrote a check payable to himself in the amount of \$28,000. On information and belief, at the time of this transaction, Bonnett was engaged in a check-kiting scheme between accounts at Pinnacle Bank, First Westroads Bank, and Wells Fargo Bank, and the funds appear to have been used to satisfy outstanding checks written as part of the kite.

- v. On information and belief, none of the money provided by C.U. and G.U. was used to purchase any investment products.
- vi. On information and belief, no money has been repaid to C.U. and G.U. The total amount of C.U. and G.U.'s funds that are unaccounted for is \$152,000.00.

e. Other Transactions

- i. The Department has identified \$166,903.78 in other large transfers into BFS' bank accounts. None of the funds were used to purchase any securities products, but were instead subsequently transferred to Bonnett's personal bank accounts. The Department is in the process of determining whether the transfers were from clients of Bonnett.

35. Based upon the information received by the Department, Bonnett has received \$400,000 from investment advisory clients in loans (R.F. and D.F.); \$150,000 in apparent loans (W.R. and R.I.C.); and \$1,004,484.89 in confirmed client transactions for a total of \$1,549,484.89. While Bonnett has made \$187,602.74 in payments to clients, there remains over \$1,350,000 that is unaccounted for.

36. The Department's investigation into this matter is ongoing.

## **VIOLATIONS OF THE SECURITIES ACT**

37. It appears to Plaintiff that Defendants have engaged or are about to engage in acts or practices constituting violations of the Act, including, but not limited to, the following:

- a. Defendants borrowed money or securities from a client, which client was not a broker-dealer, not an affiliate of any Defendant, and not a financial institution engaged in the business of loaning funds or securities, in violation of 48 Neb. Admin. Code, Ch. 12 § 005.06 and Neb. Rev. Stat. § 8-1102(2)(d).
- b. Defendants, in connection with the offer, sale or purchase of a security, directly or indirectly employed a device, scheme, or artifice to defraud Defendants' clients and others, in violation of Neb. Rev. Stat. § 8-1102(1)(a).
- c. Defendants, in connection with the offer, sale or purchase of a security, directly or indirectly made one or more untrue statements of material fact and/or omitted to state one or more material facts in order to make the statements made, in the light of the circumstances under which they were made, not misleading, in violation of Neb. Rev. Stat. § 8-1102(1)(b).
- d. Defendants, in connection with the offer, sale or purchase of a security, directly or indirectly engaged in acts, practices, and a course of business which operated as a fraud or deceit on any person, including Defendants' clients and others, in violation of Neb. Rev. Stat. § 8-1102(1)(c).
- e. Defendants received consideration from other persons primarily for advising such other persons as to the value of securities or their purchase or sale, whether through the issuance of analyses or reports

or otherwise, and employed any device, scheme, or artifice to defraud Defendants' clients and others, in violation of Neb. Rev. Stat. § 8-1102(2)(a).

f. Defendants received consideration from other persons primarily for advising such other persons as to the value of securities or their purchase or sale, whether through the issuance of analyses or reports or otherwise, and engaged in acts, practices, and a course of business which operated as a fraud or deceit on any person, including Defendants' clients and others, in violation of Neb. Rev. Stat. § 8-1102(2)(b).

g. Defendants received consideration from other persons primarily for advising such other persons as to the value of securities or their purchase or sale, whether through the issuance of analyses or reports or otherwise, and engaged in dishonest or unethical practices as the Director of Banking and Finance has defined by rule, regulation, or order, in violation of Neb. Rev. Stat. § 8-1102(2)(d).

38. As alleged, it appears to Plaintiff that Defendants have engaged or are about to engage in acts or practices constituting violations of the Act. These violations give rise to Plaintiff's authority to bring this action to enjoin Defendants' unlawful acts or practices, enforce Defendants' compliance with the Act and all rules or orders under the Act, to seek an order freezing the Defendants' assets, to seek an order requiring an accounting, and the appointment of a receiver to take charge and control of Defendants' property and provide an accounting to determine the extent of the misuse or diversion of Defendants' clients' funds. Neb. Rev. Stat. § 8-1116.



## RELIEF REQUESTED

39. Pursuant to Neb. Rev. Stat. § 8-1116, upon a proper showing by Plaintiff, this Court may issue a permanent or temporary injunction, restraining order, or writ of mandamus, and may appoint a receiver or conservator for the defendant's assets. Pursuant to the same provision, upon a proper showing by Plaintiff, the court may invoke its equitable powers under the law and issue an order of rescission, restitution, or disgorgement, an order freezing assets, an order requiring an accounting, or a writ of attachment or writ of general or specific execution, directed to any person who has engaged in or is engaging in any act constituting a violation of any provision of the Act, any rule and regulation adopted and promulgated under the Act, or any order of the Director of Banking and Finance issued thereunder. In seeking such relief, Plaintiff may not be required to post a bond.
40. Plaintiff requests the Court issue a permanent injunction restraining and enjoining Defendants from violating the Securities Act of Nebraska, Neb. Rev. Stat. §§ 8-1101 *et seq.*, and any regulation, rule, or order promulgated pursuant thereto.
41. Plaintiff requests this Court enter an order freezing any and all assets held by or under the ownership, direction, custody, or control of the Defendants until Defendants' client funds have been accounted for, subject to the continuing jurisdiction, direction and supervision of this Court. Such asset freeze should specifically apply to any and all accounts held by or under the control of Defendants, wherever located, including, but not limited to, the Pinnacle Bank accounts named and numbered:
42. Plaintiff requests this Court enter an order appointing a receiver of all assets held by or under the control of Defendants, including, but not limited to,

proceeds of business activities, business premises, books, records, and real and personal property and order that an accounting be made.

43. Plaintiff requests this Court enter an order requiring Defendants to disgorge all ill-gotten profits or proceeds they received as a result of the acts and/or courses of conduct complained of herein, with prejudgment interest.

WHEREFORE, Plaintiff respectfully requests this Court grant the relief requested herein and all other proper relief consistent with Neb. Rev. Stat. § 8-1116.

Submitted May 18, 2016.

**STATE OF NEBRASKA ex rel. MARK  
QUANDAHL, Director of Banking and Finance  
of the State of Nebraska, Plaintiff.**

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