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STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF CORPORATIONS

TO: Kevin J. Kyes
22627 Mt. Eden Road
Saratoga, CA 95070

DESIST AND REFRAIN ORDER

(For violations of sections 25210 of the Corporations Code)

The California Corporations Commissioner finds that:

1. Kevin J. Kyes possessing no certificate as a broker-dealer or agent offered and sold to residents of California securities in the form of viaticals issued by The Alpha Capital Group, LLC.
2. Kevin J. Kyes offered and sold securities in the form of viaticals issued by The Alpha Capital Group, LLC to California residents on October 11, 1998, and October 16, 1998.

Based upon the foregoing findings, the California Corporations Commissioner is of the opinion that Kevin J. Kyes has effected transactions in securities as a broker-dealer without first having applied for and secured from the Commissioner a certificate, then in effect, authorizing him to act in that capacity, in violation of section 25210 of the Corporate Securities Law of 1968. Pursuant to Section 25532 of the Corporate Securities Law of 1968, Kevin J. Kyes is hereby ordered to **DESIST and REFRAIN** from effecting any transaction in, or inducing or attempting to induce the purchase or sale of, any security in this state, unless and until he has applied for and secured from the Commissioner a certificate, then in effect, authorizing him to act in that capacity.

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