STATE OF CALIFORNIA

BUSINESS, TRANSPORTATION AND HOUSING AGENCY DEPARTMENT OF CORPORATIONS

TO: Josh Joel Murakami Josh Edwyn Allen Profusion Holdings, LLC dba Prevail Consulting 2511 54th Street Lubbock, Texas, 79413

DESIST AND REFRAIN ORDER

(For violations of sections 29535 and 29536 of the Corporations Code)

The California Corporations Commissioner finds that:

- 1. Profusion Holdings, LLC, dba Prevail Consulting ("Profusion Holdings") was formed on June 20, 2001 in Delaware and at all relevant times operated its business out of 5315 45th Street, Lubbock, Texas, 79414 and 2511 54th Street, Lubbock, Texas, 79413. Josh Joel Murakami ("Murakami") and Josh Edwyn Allen ("Allen") were managing members of Profusion Holdings.
- 2. The National Futures Association ("NFA") is the national self regulatory organization for the United States futures industry to whom the Commodities Futures Trading Commission ("CFTC") has delegated registration responsibility and authority. On March 1, 2004 the NFA issued a Complaint to Murakami, Allen and Profusion Holdings for the use of deceptive and misleading promotional material, among other things, that resulted in a Decision, which became effective March 16, 2004, terminating and permanently barring Murakami and Profusion Holdings from NFA membership, and terminating and barring Allen from NFA membership for a period of ten years.
- 3. Beginning in 2005, for a monthly fee, Murakami, Allen and Profusion Holdings provided California subscribers signals generated by an alleged confidential trading model that the subscribers would use to implement speculative trades in an options and futures trading account. Subscribers who engaged in trading based on such signals lost significant amounts of their savings.

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1	4. In engaging in these activities, Murakami, Allen and Profusion Holdings acted as
2	commodity trading advisors and commodity merchants as defined by California Corporations Code
3	("CCC") section 29509, in violation of CCC section 29535 which provides that no person shall
4	engage in such activities unless registered or licensed with the CFTC or at a time when that
5	registration or license has been suspended or revoked.
6	5. Further, when engaging in these activities, Murakami, Allen and Profusion Holdings
7	failed to disclose the NFA membership revocations and suspensions of March 16, 2004, in violation
8	of CCC section 29536 which provides that in connection with such activity no person shall omit to
9	state a material fact necessary in order to make the statements made, in light of the circumstances
10	under which they were made, not misleading.
11	Pursuant to California Corporations Code section 29542 Josh Joel Murakami, Josh Edwyn

Pursuant to California Corporations Code section 29542 Josh Joel Murakami, Josh Edwyn Allen and Profusion Holdings, LLC, dba Prevail Consulting, are hereby ordered to desist and refrain from engaging in business or otherwise acting as commodity trading advisors and commodity merchants unless and until they are in compliance with California Corporations Code section 29535, and are further ordered to desist and refrain from employing any untrue statement of material fact or omitting to state a material fact necessary in order to make statements made, in light of the circumstances under which they were made, not misleading in violation of California Corporations Code section 29536.

This Order is necessary, in the public interest, for the protection of investors and consistent with the purposes, policies, and provisions of the California Commodity Law of 1990.

Dated: December 22, 2009 Los Angeles, California

> PRESTON DuFAUCHARD California Corporations Commissioner

ALAN S. WEINGER
Deputy Commissioner