

ADMINISTRATIVE PROCEEDING

BEFORE THE

SECURITIES COMMISSIONER OF SOUTH CAROLINA

IN THE MATTER OF:

Debbie E. Wicker,

Respondent.

File Number 05060

COMPLAINT

**NOTICE: THE RESPONDENT HAS 30 DAYS TO REQUEST A HEARING.
THE RESPONDENT HAS 30 DAYS TO FILE AN ANSWER.**

The Securities Division of the South Carolina Office of the Attorney General (“the Division”) alleges that Respondent Debbie E. Wicker has engaged in acts, practices, and transactions, which constitute violations of the South Carolina Uniform Securities Act, S.C. Code Ann. § 35-1-10 *et seq.* (Supp. 2004) (the “Act”) as set forth herein.

I. Jurisdiction

1. The Securities Commissioner of the State of South Carolina (the “Commissioner”) has jurisdiction over this matter pursuant to Section 35-1-180 of the Act.

II. Respondents

2. Respondent Debbie E. Wicker (“Respondent” or “Wicker”) was, at all times material herein, a resident of South Carolina, residing at 525 Water Garden Court, Irmo, SC 29063.

III. Factual Allegations

3. In or around December, 2001, Wicker began soliciting investments from South Carolina residents for an “enterprise” based in the Philippines.

4. A woman who identified herself by the name of LadyBird (“Ladybird”), a.k.a. Jutta Cursel, Maling So Wen, or Myrna Klein, was the principal of this enterprise, which at times identified itself by the name of Lingkod, Inc.

5. The stated premise of the investments in Lingkod, Inc. solicited by Wicker varied over the course of time, but at some point it involved the retrieval of gold from Filipino caves and the trading of gold on market exchanges (the “Lingkod Investment”).

6. Several different investment and payout structures were used to describe the Lingkod Investment. Two in particular that Wicker offered to South Carolina residents were known as the “Week 1 Opportunity” and the “Week 2 Opportunity.”

7. The Week 1 Opportunity required investors to invest ten thousand (\$10,000.00) dollars for eight (8) weeks. Wicker told potential investors that they would receive a return of fifty thousand (\$50,000.00) dollars after the eight (8) week investment period.

8. The Week 2 Opportunity required investors to invest fifty thousand (\$50,000.00) dollars for eight (8) weeks. Wicker told potential investors that they would receive a return of two hundred fifty thousand (\$250,000.00) dollars after the eight (8) week investment period.

9. Wicker presented the Week 1 Opportunity and Week 2 Opportunity by word of mouth to individuals she knew from her church (Capitol Worship Centre in Irmo, South Carolina), her line of work (Neways, a health supplement distribution network), and various religious conferences she attended.

10. Wicker distributed instructions to interested individuals to wire their investment to a bank account allegedly held by Ladybird in the Philippines.

11. Individuals who desired to participate in the Week 1 Opportunity or Week 2 Opportunity wired their investment to the Philippines according to Wicker's instructions or gave cash to Wicker's husband, Harry Wicker, to be wired to the Philippines.

12. At least two (2) residents of South Carolina invested ten thousand (\$10,000.00) dollars each in the Week 1 Opportunity in or around January or February, 2002, after Wicker presented it to them.

13. At least one (1) resident of South Carolina invested fifty thousand (\$50,000.00) dollars in the Week 2 Opportunity in or around February or March, 2002, after Wicker presented it to him.

14. Following their investments, the South Carolina residents referred to in items 12 and 13 above (the "Identified Investors") received numerous emails from Wicker concerning, among other things, the status of their invested funds and anticipated payout dates.

15. These emails frequently made statements regarding the return of the Identified Investors' money, such as the following:

- a. "Your funds should be returned sometime today."
- b. "All your funds are secure and safe."
- c. "She [Ladybird] would like to make sure that all who are in the investment have another opportunity to decide to stay in for the next program or to cash out at this time."
- d. "We are on the precipice [sic] of a cash out time for the 8 week program."

16. In addition to the Identified Investors, Wicker also sent the emails referred to in items 14 and 15 above (the "Emails") to other investors and potential investors in the Week 1 and Week 2 Opportunities.

17. The content of the Emails was purportedly based on Wicker's email correspondence with Ladybird.
18. Prior to investing with Wicker, each of the Identified Investors was told their initial investment would be increased five-fold and returned approximately eight (8) weeks after investment.
19. Based on their investment dates, the Identified Investors should have received both their investments back and the promised returns from the investments no later than June 1, 2002.
20. In email correspondence occurring after the promised returns to the Identified Investors were due, Wicker informed the Identified Investors that their funds are unavailable.
21. As of January 1, 2006, no money or returns have been given to any of the Identified Investors related to their investments in the Week 1 Opportunity and Week 2 Opportunity.
22. Wicker is not registered and during the time period of the transactions alleged herein was not registered with the Division as an issuer agent.
23. Lingkod, Inc. is not registered and during the time period of the transactions alleged herein has not been registered with the Division to issue securities, and no claim of exemption has been made for either the Week 1 Opportunity or the Week 2 Opportunity.
24. Both the offer of the Week 1 Opportunity and the Week 2 Opportunity as presented to potential South Carolina investors by Wicker in late 2001 and early 2002, and the subsequent investments made by the Identified Investors in the opportunities, involve securities transactions occurring in or from the State of South Carolina.

COUNTS ONE TO THREE

Violations of South Carolina Code Section 35-1-410 (Unregistered Agent)

25. In connection with the offer of securities to South Carolina investors and the sale of securities to the Identified Investors in and from the State of South Carolina, Wicker violated South Carolina Code Section 35-1-410 by offering for sale and selling securities in this State without first registering as an agent with the Division.

COUNTS FOUR TO SIX

Violations of South Carolina Code Section 35-1-810 (Unregistered Securities)

26. In connection with the offer of securities to South Carolina investors and the sale of securities to the Identified Investors in and from the State of South Carolina, Wicker violated South Carolina Code Section 35-1-810 by offering for sale and selling securities that (i) were not registered; (ii) were not exempt from registration under Section 35-1-310 or 35-1-320; and (iii) were not federal covered securities.

COUNTS SIX TO NINE

Violations of South Carolina Code Section 35-1-1210 (Fraud in Connection with the Offer or Sale of Securities)

27. In connection with the offer of securities to South Carolina investors and the sale of securities to the Identified Investors in and from the State of South Carolina, Wicker directly and indirectly made untrue statements of a material fact and omitted to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading. Misstatements and omissions made by Wicker include, but are not limited to, the following:

- a. Wicker falsely informed potential investors that their investment funds would be returned to them with a five-fold increase within eight (8) weeks of their investment; and
- b. Wicker failed to explain the risks associated with the investments.

REQUESTED RELIEF

28. The Division requests that the Commissioner grant the following relief against Wicker:
 - a. Pursuant to Section 35-1-60 of the Act, order Wicker to permanently cease and desist from violating the Act;
 - b. Pursuant to Section 35-1-60 of the Act, permanently bar Wicker from conducting securities business in or from the State of South Carolina;
 - c. Pursuant to Section 35-1-1475 of the Act, order Wicker to pay an administrative fine in an amount not exceeding five thousand (\$5,000.00) dollars for each violation of the Act committed by Wicker; and
 - d. Order any other relief that the Commissioner deems appropriate.

REQUIREMENT OF ANSWER AND NOTICE OF OPPORTUNITY FOR HEARING

Respondent Debbie E. Wicker is hereby notified that she has the right to a hearing on matters contained herein. To schedule such a hearing, Wicker must file with the Office of the Securities Commissioner, Post Office Box 11549, Rembert C. Dennis Building, Columbia, South Carolina 29211-1549, attention: Thresechia Navarro, within thirty (30) days of receipt of this complaint a written Answer specifically requesting a hearing therein.

The Answer shall admit or deny each factual allegation in the complaint, shall set forth specific facts on which the Respondent relies, and shall set forth concisely the matters of law and

affirmative defenses upon which the Respondent relies. If the Respondent is without knowledge or information sufficient to form a belief to the truth of an allegation, she shall so state.

Failure by the Respondent to file a written request for a hearing in this matter shall be deemed a waiver of the right to such a hearing. If a request for a hearing is not made or is not made in a timely manner, the Commissioner may, without a hearing, enter an Order against the Respondent granting the relief requested by the Division in this complaint.

SOUTH CAROLINA OFFICE OF THE
ATTORNEY GENERAL

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