

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

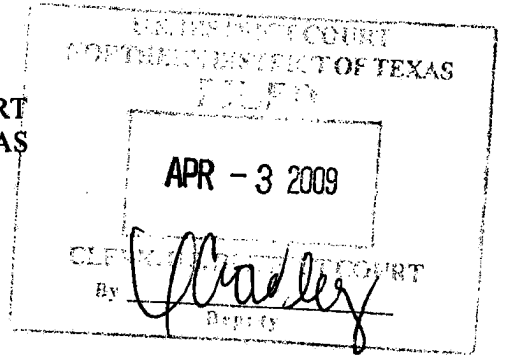
MILLENNIUM BANK,
UNITED TRUST OF SWITZERLAND S.A.,
UT of S, LLC,
MILLENNIUM FINANCIAL GROUP,
WILLIAM J. WISE,
d/b/a STERLING ADMINISTRATION,
d/b/a STERLING INVESTMENT SERVICES,
d/b/a MILLENNIUM AVIATION,
KRISTI M. HOEGEL, a/k/a KRISTI M. CHRISTOPHER,
a/k/a BESSY LU,
JACQUELINE S. HOEGEL, a/k/a JACQUELINE S. HOEGEL,
a/k/a JACKIE S. HOEGEL,
PHILIPPE ANGELONI, and BRIJESH CHOPRA,

Defendants,

and

UNITED T OF S, LLC, STERLING I.S., LLC,
MATRIX ADMINISTRATION, LLC,
JASMINE ADMINISTRATION, LLC, LYNN P. WISE,
DARYL C. HOEGEL, RYAN D. HOEGEL, and
LAURIE H. WALTON,

Relief Defendants.



Case No.: 7:09-cv-50

**ORDER OF PRELIMINARY INJUNCTION FREEZING ASSETS
AND GRANTING OTHER EQUITABLE RELIEF AGAINST
DEFENDANTS WILLIAM J. WISE, PHILIPPE ANGELONI, AND BRIJESH CHOPRA**

This matter came on before the Court on the motion of Plaintiff Securities and Exchange Commission ("Commission") for entry of an Order of Preliminary Injunction Freezing Assets and Granting Other Equitable Relief ("Order") against Defendant William J. Wise, d/b/a Sterling

Administration, d/b/a Sterling Investment Services, d/b/a Millennium Aviation (“Wise”), Philippe Angeloni (“Angeloni”), and Brijesh Chopra (“Chopra”) (together, “Defendants”) and Plaintiff’s application for issuance of a preliminary injunction against Defendants. The Court has previously issued an Order granting against Defendants: (1) a temporary restraining order freezing assets (“TRO”); (2) an order for repatriation of assets; (3) an order preventing document alteration or destruction; (4) an order requiring an accounting; (5) an order for expedited discovery; (6) an order requiring passport surrender; (7) an order appointing a receiver; and (8) an order requiring Defendants to show cause why a preliminary injunction should not issue. Based on all the files, records, and proceedings herein, and the Commission having been heard and Defendants having failed to appear or in any way contest the Commission’s motion for preliminary injunction or any of the factual and legal submissions made by the Commission in support thereof, and the Court being fully advised, the Court is of the opinion that the Commission’s motion should be GRANTED. Pursuant to FED. R. CIV. PRO. 52(a), the Court enters the Findings of Fact and Conclusions of Law set forth below.

1. Defendants received actual notice of the proceedings herein.
2. There are no factual issues in dispute with regard to Defendants. Despite having received notice of the proceedings, Defendants have not appeared or otherwise contested the entry of a preliminary injunction against them. Likewise, Defendants have not filed or served any papers in opposition to the entry of the preliminary injunction, or challenged the asset freeze or other emergency relief granted in the TRO.
3. Defendants have failed to provide financial or account information as ordered by the Court.

4. Defendants have failed to repatriate assets obtained from the activities alleged by the Commission.

5. Defendants have failed to surrender their passports to the Court as ordered.

6. Millennium Bank is a bank licensed in St. Vincent and the Grenadines that offers high-yield "CDs" and other bank services from its website, www.mlnbank.com, and in advertisements. Millennium Bank has never registered an offering of securities with the Commission.

7. United Trust of Switzerland S.A. is a Swiss chartered business entity that wholly-owns Millennium Bank. Millennium Bank's offering materials claim that United Trust of Switzerland S.A. operates "a vast global investment network."

8. UT of S, LLC is a Nevada limited liability company with a principal office located at 3432 Valle Verde Dr., Napa, California. UT of S, LLC was organized in July 2004. Jackie Hoegel, Wise, and Kristi Hoegel have controlled this entity.

9. Millennium Financial Group is a Raleigh, North Carolina-based business. It was previously an active corporation in North Carolina with a principal office and mailing address of 4020 Westchase Blvd., Suite 100, Raleigh, North Carolina. Its corporate status is listed as "suspended," due to its failure to file the required reports with the State of North Carolina. Wise is MFG's President. MFG was the original domain licensee for www.mlnbank.com.

10. Defendant Wise has controlled or currently controls Millennium Bank, United Trust of Switzerland S.A., UT of S, LLC, MFG, and Relief Defendants Sterling I.S., LLC, Matrix Administration, LLC, and Jasmine Administration, LLC.

11. Kristi M. Hoegel a/k/a Kristi M. Christopher a/k/a Bessy Lu ("Kristi Hoegel") has exercised control over Millennium Bank, United Trust of Switzerland S.A., UT of S, LLC,

United T of S, LLC, Sterling I.S., LLC, Matrix Administration, LLC, and Jasmine Administration, LLC. On May 25, 2006, Kristi Hoegel was ordered to cease and desist from selling unregistered securities in the State of Minnesota.

12. Jacqueline S. Hoegel a/k/a Jacqueline S. Hoegel and Jackie S. Hoegel (“Jackie Hoegel”) resides in American Canyon, California. Jackie Hoegel is Kristi Hoegel’s mother and Daryl Hoegel’s wife. Jackie Hoegel has exercised control over and handled official business for United Trust of Switzerland S.A., UT of S, LLC, United T of S, LLC, and Sterling I.S., LLC.

13. Defendant Brijesh Chopra (“Chopra”) is Millennium Bank’s managing director.

14. Defendant Philippe Angeloni (“Angeloni”) is a Millennium Bank director, and previously served as an executive vice president at the bank.

15. Relief Defendants are individuals or entities who have received or who are, or have been, in possession of investor funds.

16. Defendants’ assets, including proceeds obtained through fraudulent activities, are in imminent jeopardy of dissipation or loss. Absent an asset freeze, Defendants can remove funds beyond the Court’s jurisdiction with little hope that they can be recovered at a later date, rendering any final judgment of disgorgement the Commission might obtain meaningless.

17. It is necessary to guard the records of Defendants relating to the defendants or any of their securities, financial, or business dealings from destruction or alteration.

18. Millennium Bank’s website offers to the public-at-large high-yield CDs with “a guaranteed rate of return to avoid market fluctuations.”

19. On its website, Millennium Bank is marketed as strong, safe, and secure, and backed by United Trust of Switzerland S.A. United Trust of Switzerland S.A., which is prominently featured on Millennium Bank’s website and in advertisements, purportedly

“provides Millennium Bank with over 75 years of banking experience, correspondent banking relationships, decades of knowledge in privacy and confidentiality as well as extensive training for our customer services professionals.”

20. United Trust of Switzerland S.A. is not a licensed bank or a securities dealer, and has never registered an offering of securities with the Commission.

21. All investor funds were commingled in one bank account, used for operating expenses of UT of S, LLC, and subsequently disbursed to Defendants or their agents and assigns.

22. At least \$68 million of investor funds were deposited into UT of S, LLC's bank account since it was opened in July 2004. The account was opened in Las Vegas, Nevada by Kristi Hoegel and Jackie Hoegel. At the time the Commission filed its action, Wise and Kristi Hoegel were authorized signatories on the account.

23. Bank records establish that: (1) no investor funds were used for legitimate banking or investment activities; (2) investor funds were commingled in the account; (3) money movement in the WAMU account included transfers to and from each of the Defendants, linking all of them to the scheme; (4) millions of dollars of new investor monies were used to make apparent Ponzi payments to earlier investors; (5) each of the individual Defendants diverted investor funds for their personal use (totaling approximately \$14 million); (6) each of the Relief Defendants received from tens of thousands to millions of dollars of investor funds (totaling at least approximately \$3.3 million) for no consideration; and (7) investor funds were also used to pay at least \$2.8 million in credit card expenses, \$820,000 in auto expenses, \$870,000 in aviation expenses, and \$90,000 in wine expenses (totaling approximately \$4.6 million).

24. Defendants engaged in fraudulent conduct, including misappropriating investor funds, and making material misrepresentations and omissions concerning, among other things, the Millennium certificates of deposit and use of investor funds.

25. The investments offered and sold by the Defendants are "securities" under Section 2(1) of the Securities Act [15 U.S.C. § 77b] and Section 3(a)(10) of the Exchange Act [15 U.S.C. § 78c].

26. This Court has jurisdiction over this action under Section 22(a) of the Securities Act [15 U.S.C. § 77v(a)] and Section 27 of the Exchange Act [15 U.S.C. § 78aa].

27. Venue is proper because certain of the acts, practices, transactions and courses of business alleged herein occurred within the Northern District of Texas.

28. Defendants, directly and indirectly, have made use of the means and instrumentalities of interstate commerce, the mails, or the facilities of a national securities exchange in connection with the acts, practices, and courses of business described below and in the Commission's pleadings.

29. Defendants have received actual notice of the pendency of this action against them, the TRO, and the date and time of the preliminary injunction hearing in this matter.

30. Defendants violated this Court's order requiring them to provide information regarding their assets and the requirement that each repatriate any assets located abroad. Defendants have also defaulted on the Commission's motion for a preliminary injunction continuing the asset freeze and for an order granting other relief by failing to contest the arguments and allegations raised by the Commission.

31. The Commission has demonstrated that it is necessary to continue the injunctive relief, asset freeze, and other relief during the pendency of this action to ensure that there are assets

to satisfy, at least in part, any final judgment that the Commission might obtain against Defendants or Relief Defendants.

32. The Commission has demonstrated the proper showing of a current violation of the federal securities laws and a risk that these violations will recur. Accordingly, a preliminary injunction and asset freeze are warranted in this case against Defendants, including Defendants Wise, Angeloni, and Chopra.

Based on the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED that:

I.

Defendants, their agents, servants, employees, attorneys, and all other persons in active concert or participation with them, who receive actual notice of this order, by personal service or otherwise, and each of them, be and hereby are restrained and enjoined from violating Section 17(a) of the Securities Act [15 U.S.C. §77q(a)], directly or indirectly, in the offer or sale of a security, by making use of any means or instruments of transportation or communication in interstate commerce or by use of the mails:

- A. to employ any device, scheme or artifice to defraud;
- B. to obtain money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; and/or
- C. to engage in any transaction, practice or course of business which operates or would operate as a fraud or deceit upon any purchaser.

II.

Defendants, their agents, servants, employees, attorneys, and all other persons in active concert or participation with them, who receive actual notice of this order, by personal service or otherwise, and each of them, be and hereby are restrained and enjoined from violating Section 10(b) of the Exchange Act and Rule 10b-5 thereunder [15 U.S.C. §§ 77e(a) and 77e(c)] directly or indirectly, in the absence of any applicable exemption:

(A) Unless a registration statement is in effect as to a security, making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell such security through the use or medium of any prospectus or otherwise; or

(B) Making use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy through the use or medium of any prospectus or otherwise any security, unless a registration statement has been filed with the Commission as to such security, or while the registration statement is the subject of a refusal order or stop order or (prior to the effective date of the registration statement) any public proceeding or examination under Section 8 of the Securities Act [15 U.S.C. § 77h].

III.

Defendants, their agents, servants, employees, attorneys, and all other persons in active concert or participation with them, who receive actual notice of this order, by personal service or otherwise, and each of them, be and hereby are restrained and enjoined from violating Section 10(b) of the Exchange Act and Rule 10b-5 thereunder [15 U.S.C. §78j(b) and 17 C.F. R. §240.10b-5], directly or indirectly, in connection with the purchase or sale of a security, by making use of any

means or instrumentality of interstate commerce, of the mails or of any facility of any national securities exchange:

- A. to use or employ any manipulative or deceptive device or contrivance;
- B. to employ any device, scheme or artifice to defraud;
- C. to make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; and/or
- D. to engage in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person.

IV.

Asset Freeze Order

Defendants, and their officers, agents, employees, servants, attorneys and all persons in active concert or participation with them, who receive actual notice of this Order by personal service or otherwise, are restrained and enjoined from, directly or indirectly, making any payment or expenditure of funds (including charges on any credit card or draws on any other credit arrangement), and from assigning, conveying, transferring, encumbering, disbursing, dissipating, selling, hypothecating or concealing any assets, monies, or other property owned by or in the actual or constructive possession of these Defendants, in whatever form such assets may presently exist and wherever located, pending a showing to this Court that they have sufficient funds or assets to satisfy all claims arising from the violations alleged in the Complaint, pending the posting of a bond or surety sufficient to assure payment of any such claim, or until further order of this Court. Further, any bank, trust company, broker-dealer or other depository institution holding accounts for or on behalf of the Defendants, shall make no transactions in

securities (excepting liquidating transactions necessary as to wasting assets) and no disbursements of funds or securities (including extensions of credit, or advances on existing lines of credit), including the honor of any negotiable instrument (including specifically, any check, draft, or cashier's check) purchased by or for Defendants, pending further order of this Court.

V.

Accounting

Defendants shall make an interim accounting, under oath, within ten (10) days of the issuance of this Order, detailing by amount, date, method and location of transfer, payee and payor, purpose of payment or transfer of: (a) all investor monies and other benefits received, directly and indirectly, from or as a result of the activities alleged in the Complaint or thereafter transferred; (b) all monies and other assets received, directly or indirectly, from investors; (c) all of their current assets wherever they may be located and by whomever they are being held, and their current liabilities; and (d) all accounts with any financial or brokerage institution maintained for the Defendants at any point during the period from January 1, 2004, to the present. The accounting shall be sufficient to permit a full understanding of the flow of investor funds from the investor to its present location to the extent known by the Defendants or within their power to learn. The accounting and all documents reviewed in the course of the preparation thereof or otherwise pertaining thereto shall be delivered by facsimile or overnight courier to Jennifer Brandt; Securities and Exchange Commission; Burnett Plaza, Suite 1900; 801 Cherry Street, Unit 18; Fort Worth, Texas 76102 by the deadline set forth above.

VI.

Document Preservation

Defendants and their agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are restrained and enjoined from destroying, removing, mutilating, altering, concealing or disposing of, in any manner, any of their books and records or any documents relating in any manner to the matters set forth in the Commission's Complaint, or the books and records and documents of any entities under their control, until further order of this Court.

VII.

Service Issues

If not already made, the Commission is authorized to serve process on Defendants by U.S. mail, e-mail, facsimile, or any other means authorized by the Federal Rules of Civil Procedure.

To effectuate the provisions of any paragraph of this Order, the Commission may cause a copy of this Order to be served on any bank, savings and loan, broker-dealer or other financial or depository institution either by United States mail or by facsimile as if such service were personal service, to restrain and enjoin any such institution from disbursing funds, directly or indirectly, to or on behalf of the Agreed Receivership Entities, or any companies or persons or entities under their control.

VIII.

Repatriation Order

The Defendants and their directors, officers, agents, servants, employees, attorneys, depositories, banks, and those persons in active concert or participation with anyone or more of them, and each of them, shall:

(A) within seven (7) days of the entry of this Order, repatriate, and take such steps as are necessary to repatriate, to the territory of the United States all funds and assets held by or in the name of any Agreed Receivership Entity or its agents (including but not limited to William J. Wise, Kristi Hoegel, Jackie Hoegel, Philippe Angeloni, or Brijesh Chopra), or in which any of them, directly or indirectly, has or had any beneficial interest, or over which any of them maintains and/or exercised or exercises control, including but not limited to any and all assets and funds:

(i) held in any foreign bank, brokerage, or other financial accounts;
and

(ii) transferred out of the United States from any account within the territory of the United States at any point from January 2004 to the present.

(B) provide to this Court and to the Commission, within (10) days of this Order, a written description of all such funds and assets required to be repatriated, and the status and location of such funds.

IX.

Passport Surrender

Defendants shall surrender their passports and are barred from traveling outside the United States until further order of this Court.

X.

Directives to Financial Institutions and Others

Pending further Order of this Court, any financial or brokerage institution, business entity, or person that holds or has held, controls or has controlled, or maintains or has maintained custody of any of Defendants at any time since January 1, 2004, shall:

1. Prohibit Defendants and all other persons from withdrawing, removing, assigning, transferring, pledging, encumbering, disbursing, dissipating, converting, selling, or otherwise disposing of Defendants' assets, except as directed by further Order of the Court;

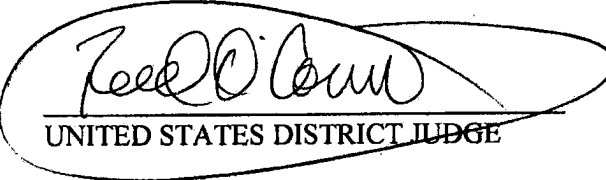
2. Deny Defendants and all other persons access to any safe deposit box that is: (a) owned, controlled, managed, or held by, on behalf of, or for the benefit of Defendants, either individually or jointly; or (b) otherwise subject to access by Defendants;

3. Provide counsel for the Commission and any Receiver in this matter, within five (5) business days of receiving a copy of this Order, a statement setting forth: (a) the identification number of each and every account or other asset owned, controlled, managed, or held by, on behalf of, or for the benefit of Defendants, either individually or jointly; (b) the balance of each such account, or a description of the nature and value of such asset as of the close of business on the day on which this Order is served, and, if the account or other asset has been closed or removed, the date closed or removed, the total funds removed in order to close the account, and the name of the person or entity to whom such account or other asset was remitted; and (c) the identification of any safe deposit box that is owned controlled, managed, or held by, on behalf of, or for the benefit of Defendants, either individually or jointly, or is otherwise subject to access by Defendants; and

4. Upon request by the Commission or the Receiver, promptly provide the Commission and the Receiver with copies of all records or other documentation pertaining to such account or asset, including, but not limited to, originals or copies of account applications,

account statements, signature cards, checks, drafts, deposit tickets, transfers to and from the accounts, all other debit and credit instruments or slips, currency transaction reports, Internal Revenue Service Form 1099s, and safe deposit box logs.

Signed: 3rd day of April, 2009.


UNITED STATES DISTRICT JUDGE