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SECURITIES COMMISSIONER



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## Texas State Securities Board

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IN THE MATTER OF  
NATIONAL FUNDING ALLIANCE, LLC,  
AND DON J. KASHIANO

§  
§  
§

Order No. ENF-08-CDO-1657

TO: National Funding Alliance, LLC  
364 Atkins Avenue  
Brooklyn, New York 11208  
and  
955 Coney Island Avenue  
Brooklyn, New York 11230

Don J. Kashiano  
364 Atkins Avenue  
Brooklyn, New York 11208  
and  
955 Coney Island Avenue  
Brooklyn, New York 11230

### EMERGENCY CEASE AND DESIST ORDER

This is your OFFICIAL NOTICE of the issuance by the Securities Commissioner of the State of Texas ("Securities Commissioner") of an EMERGENCY CEASE AND DESIST ORDER pursuant to Section 23-2 of The Securities Act, TEX. REV. CIV. STAT. ANN. art. 581-1, et seq. (Vernon 1964 & Supp. 2007) ("Texas Securities Act").

The Staff of the Enforcement Division ("the Staff") of the Texas State Securities Board ("the Securities Board") has presented evidence sufficient for the Securities Commissioner to find that:

#### FINDINGS OF FACT

1. National Funding Alliance, LLC ("Respondent NFA") maintains last known addresses at 364 Atkins Avenue, Brooklyn, New York 11208, and 955 Coney Island Avenue, Brooklyn, New York 11230. Respondent NFA purports to be a humanitarian organization that combats poverty throughout the world.
2. Don J. Kashiano ("Respondent Kashiano") maintains last known addresses at 364 Atkins Avenue, Brooklyn, New York 11208, and 955 Coney Island Avenue, Brooklyn, New York 11230. Respondent Kashiano is the Founder and President of Respondent NFA and he represents that his "prime objective" is to provide assistance for those who cannot provide for themselves.

3. Respondents are making available the opportunity to invest in the NFA Share the Love Cash Investment Program in Texas. Respondents are representing the following:
  - a. Investors will be required to provide Respondent NFA with a copy of their passport or driver license and their bank wire transfer information before the investor will be provided with the information needed to invest.
  - b. Respondents will provide investors with wire transfer instructions after Respondents receive the aforementioned information. Investors will then be required to provide Respondent NFA with between \$5,000 and \$100,000.
  - c. Respondent NFA will pool investor funds into blocks of \$100,000. Respondent NFA will then transfer these blocks to a "private trader" who trades bank instruments valued in excess of \$100 million on a daily basis.
  - d. The identity of the "private trader" is secret and not disclosed to investors.
  - e. The "private trader" will leverage the \$100,000 blocks of investor funds to \$1,000,000 within five weeks, and he will thereafter continue to trade or leverage either pooled investor funds or accumulated profits.
  - f. Initial investment returns will be used to "sponsor" additional investors in the NFA Share the Love Cash Investment Program. For example, investors will be credited with a 100% return on their investment at the end of the first month. This credit will be used to fund investments for new investors in the program who will be selected by Respondent NFA.
  - g. Investors will receive a "payout" at the end of the second month and at the end of every month thereafter. Respondents represent that the amount of the payout will depend upon the initial investment tendered by each investor. For example, Respondents represent that an investment of \$5,000 will entitle investors to a return of \$5,000 at the end of the second and third months and a guaranteed return of \$28,500 every month thereafter.
  - h. The amount of the "payout" is fixed and not dependent on the profitability of the transactions effectuated by the "private trader."
4. The NFA Share the Love Cash Investment Program has not been registered by qualification, notification or coordination and no permit has been granted for its sale in Texas.
5. Respondents have not been registered with the Securities Commissioner as dealers or agents at any time material hereto.

6. Respondents represent that individuals who refer investors to Respondent NFA will receive a commission equal to the principal investment made by the referred investor within five weeks of their initial investment. This statement is materially misleading or otherwise likely to deceive the public because Texas residents who refer prospective investors for a commission must comply with the requirements of the Texas Securities Act.
7. Respondents represent that investors should donate a portion of their earnings to a humanitarian project or effort. Respondents explain that the federal government will not hesitate to reclaim all returns and may claim the initial investment if an investor fails to commit to a humanitarian project or effort. These statements are materially misleading or otherwise likely to deceive the public because Respondents do not indicate a basis for this representation, cite to any legal or statutory authority or provide a relevant example of such an event.
8. Respondents represent that the monthly return is "guaranteed." This statement is materially misleading or otherwise likely to deceive the public because Respondents do not provide any indication of the assets that will be used or the means that will be employed to satisfy the guarantee.
9. Respondents are intentionally failing to disclose the following material facts in connection with the offer for sale of the NFA Share the Love Cash Investment Program in Texas:
  - a. The identity of the private trader and his professional experience in trading and leveraging funds for a profit,
  - b. The history and profitability of other investment opportunities sold by Respondents, including the NFA Credit Investor Program and the Exclusive 400% Return Investment Program, and
  - c. Any risk associated with the NFA Share the Love Cash Investment Program.

#### CONCLUSIONS OF LAW

1. The NFA Share the Love Cash Investment Program is a "security" as that term is defined by Section 4.A of the Texas Securities Act.
2. Respondents are violating Section 7 of the Texas Securities Act by offering securities for sale in Texas at a time when the securities are not registered with the Securities Commissioner.
3. Respondents are violating Section 12 of the Texas Securities Act by offering securities for sale in Texas without being registered pursuant to the provisions of Section 12 of the Texas Securities Act.

4. Respondents are making an offer containing statements that are materially misleading or otherwise likely to deceive the public.
5. Respondents are engaging in fraud in connection with the offer for sale of securities.
6. Respondents' conduct, acts, and practices threaten immediate and irreparable public harm.
7. The foregoing violations constitute bases for the issuance of an Emergency Cease and Desist Order pursuant to Section 23-2 of the Texas Securities Act.

### ORDER

1. It is therefore ORDERED that Respondents immediately CEASE AND DESIST from offering for sale any security in Texas until the security is registered with the Securities Commissioner or is offered for sale pursuant to an exemption from registration under the Texas Securities Act.
2. It is further ORDERED that Respondents immediately CEASE AND DESIST from acting as securities dealers or agents in Texas until Respondents are registered with the Securities Commissioner or are acting pursuant to an exemption from registration under the Texas Securities Act.
3. It is further ORDERED that Respondents immediately CEASE AND DESIST from offering securities in Texas through an offer containing a statement that is materially misleading or otherwise likely to deceive the public.
4. It is further ORDERED that Respondents immediately CEASE AND DESIST from engaging in any fraud in connection with the offer for sale of any security in Texas.

### NOTICE

Pursuant to Section 23-2 of the Texas Securities Act, you may request a hearing before the 31st day after the date you were served with this Order. The request for a hearing must be in writing, directed to the Securities Commissioner, and state the grounds for the request to set aside or modify the Order. Failure to request a hearing will result in the Order becoming final and non-appealable.

You are advised under Section 29.D of the Texas Securities Act that any knowing violation of an order issued by the Securities Commissioner under the authority of Section 23-2 of the Texas Securities Act is a criminal offense punishable by a fine of not more than \$5,000, or imprisonment in the penitentiary for not more than two years, or by both such fine and imprisonment.

SIGNED AND ENTERED by the Securities Commissioner this 2<sup>nd</sup> day of July, 2008.

*Denise Voigt Crawford*  
DENISE VOIGT CRAWFORD  
Securities Commissioner