STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE
SECURITIES DIVISION
555 EAST WASHINGTON AVENUE, SUITE 5200
LAS VEGAS, NEVADA 89101

In the Matter of: **ROBERT GIEL, doing business as AMERICAN INVESTMENT FUND, a sole proprietorship,** **Respondent.**	**NOTICE AND SUMMARY ORDER TO CEASE AND DESIST** **File No. I15-028**

NEVADA SECRETARY OF STATE
SECURITIES DIVISION
DATE FILED: 03·20·15
By: J. BROWN

TO: **Robert Giel**
American Investment Fund
1500 E. Tropicana Avenue, Suite 130
Las Vegas, NV 89119

Robert Giel
American Investment Fund
8275 S. Eastern Avenue, Suite 200
Las Vegas, NV 89123

NOTICE OF SUMMARY ORDER TO CEASE AND DESIST, INTENDED ACTION PURSUANT TO NRS 90.630(2), AND OPPORTUNITY FOR HEARING PURSUANT TO NRS 90.630(3)

YOU ARE HEREBY NOTIFIED that pursuant to the legal authority granted the Administrator of the Securities Division of the Office of the Nevada Secretary of State ("Administrator"), specifically Nevada Revised Statute ("NRS") 90.630, the Administrator hereby issues this SUMMARY ORDER TO CEASE AND DESIST to Respondent Robert Giel doing business as American Investment Fund ("Respondent").

YOU ARE HEREBY FURTHER NOTIFIED that you have a right to request a hearing on the matters set forth in the Summary Order. If you do not request a hearing in writing within 45 days after receipt of this notice, you waive your right to a hearing and the Administrator may issue a permanent order.

Should you request a hearing, the Administrator shall set the matter for hearing at her earliest convenience but not less than 15 days or more than 60 days after she receives written notice of that request for a hearing. Should you request a hearing, the Administrator will notify you by registered or certified mail of the time and place set for the hearing.

YOU ARE HEREBY FURTHER NOTIFIED that the Nevada Securities Division, in addition to seeking a Final Order to Cease and Desist, may also seek any of the sanctions allowed pursuant to NRS 90.630, and may seek to hold Respondent liable for the costs of the investigation in this matter if this matter should proceed to hearing. The Nevada Securities Division does not waive the right to seek criminal prosecution pursuant to NRS 90.570 or 90.650.

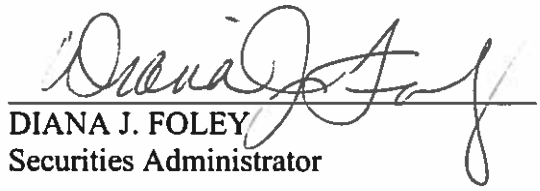
YOU ARE HEREBY FURTHER NOTIFIED:

NRS 90.650, Criminal penalties.

1. A person who willfully violates:
   (a) A provision of this chapter, except NRS 90.600, or who violates NRS 90.600 knowing that the statement made is false or misleading in any material respect;
   (b) A regulation adopted pursuant to this chapter; or
   (c) An order denying, suspending or revoking the effectiveness of registration or an order to cease and desist issued by the Administrator pursuant to this chapter,

   is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, or by a fine of not more than $500,000, or by both fine and imprisonment, for each violation. In addition to any other penalty, the court shall order the person to pay restitution.
2. A person convicted of violating a regulation or order under this chapter may be fined, but must not be imprisoned, if the person proves lack of knowledge of the regulation or order.
3. This chapter does not limit the power of the State to punish a person for conduct which constitutes a crime under other law.

NEVADA SECURITIES DIVISION
OFFICE OF THE SECRETARY OF STATE



DIANA J. FOLEY
Securities Administrator

SUMMARY ORDER TO CEASE AND DESIST

1. The Securities Division of the Office of the Nevada Secretary of State ("Division") under the authority of Nevada Uniform Securities Act ("Act"), codified in Chapter 90 of the Nevada Revised Statutes ("NRS"), conducted an investigation into the activities of Respondent in connection with the applicable laws governing the registration of securities and the regulation of broker-dealers and investment advisers in the State of Nevada.

2. The Administrator is authorized to enter a Summary Order to Cease and Desist pursuant to NRS 90.630(1).

3. The Administrator has reviewed the Complaint for Summary Order and Final Order to Cease and Desist and Other Appropriate Relief ("Complaint") filed on March 20, 2015, against Respondent in the above-entitled matter. A copy of the Complaint is attached hereto and incorporated herein by reference.

4. For the limited purpose of this Summary Order to Cease and Desist, the Administrator accepts all factual allegations set forth in the Complaint as true and finds that a Summary Order to Cease and Desist is in the public interest and necessary to protect the public from potential financial harm by the sales of unregistered securities by unlicensed persons.

FINDINGS OF FACT

1. The factual allegations of the Complaint are accepted as true for the limited purposes of this Summary Order to Cease and Desist and are hereby incorporated herein by reference.

2. The Administrator further finds that a Summary Order to Cease and Desist is in the public interest and necessary to protect the public from potential financial harm by the sales of unregistered securities by unlicensed persons.

CONCLUSIONS OF LAW

1. An investment in American Investment Fund as described in the Complaint constitutes a security under the Act.

2. Respondent has has violated and continues to violate NRS 90.460 by offering investments in American Investment Fund without such securities being registered or exempt from registration under the Act.

3. Respondent has violated and continues to violate NRS 90.310 by acting as an unlicensed broker-dealer.

4. Respondent has violated and continues to violate NRS 90.330 by acting as an unlicensed investment adviser.

SUMMARY ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and the Administrator's findings that Respondent poses an immediate danger to the public welfare because Respondent is actively engaging in violations of the Act and intend to violate said Act in the future, Respondent is hereby ordered to immediately Cease and Desist from further activities in violation of NRS 90.310, NRS 90.330 and NRS 90.460 until the subject securities have been properly registered and Respondent is properly licensed. This Summary Order to Cease and Desist is effective upon signing.

IT IS SO ORDERED.

DATED this 20th day of March, 2015.

NEVADA SECURITIES DIVISION
OFFICE OF THE SECRETARY OF STATE

DIANA J. FOLEY
Securities Administrator

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE
SECURITIES DIVISION
555 EAST WASHINGTON AVENUE, SUITE 5200
LAS VEGAS, NEVADA 89101

In the Matter of: **ROBERT GIEL, doing business as AMERICAN INVESTMENT FUND, a sole proprietorship,** **Respondent.**	**COMPLAINT FOR SUMMARY ORDER AND FINAL ORDER TO CEASE AND DESIST AND OTHER APPROPRIATE RELIEF** **File No. I15-028**

TO: **Robert Giel**
American Investment Fund
1500 E. Tropicana Avenue, Suite 130
Las Vegas, NV 89119

Robert Giel
American Investment Fund
8275 S. Eastern Avenue, Suite 200
Las Vegas, NV 89123

NEVADA SECRETARY OF STATE
SECURITIES DIVISION
DATE FILED: 03·30·15
By: T·BROWN

COMPLAINT FOR SUMMARY ORDER AND FINAL ORDER TO CEASE AND DESIST AND OTHER APPROPRIATE RELIEF

COMES NOW, the Securities Division of the Office of the Nevada Secretary of State ("Division"), and as and for its complaint against the above-named Respondent for violations of the Nevada Uniform Securities Act, as codified in Chapter 90 of the Nevada Revised Statutes, alleges as follows:

PARTIES

1. Upon information and belief, Respondent Robert Giel ("Respondent") is an individual residing in the State of Nevada.

2. Respondent is a sole proprietor doing business as American Investment Fund. Respondent obtained a sole proprietor license with the State of Nevada on or about September 29, 2014, listing

American Investment Fund as his associated business name and listing 8275 S. Eastern Avenue, Suite 200, Las Vegas, NV 89123, as his physical address.

3. Respondent also filed a fictitious firm name certificate with Clark County, Nevada, on or about September 26, 2014, listing American Investment Fund as his business name and listing 1500 E. Tropicana Avenue, Suite 130, Las Vegas, NV 89119, as his business address.

STATUTORY BACKGROUND

4. The Nevada Uniform Securities Act ("Act") is codified in Chapter 90 of the Nevada Revised Statutes ("NRS") and regulates the offer, sale and purchase of securities in the State of Nevada.

5. As set forth in NRS 90.460, it is a violation of the Act for a person to offer or sell a security in the State of Nevada without such security being registered or exempt from registration.

6. As provided in NRS 90.295, the definition of a "security" for purposes of the Act includes the following:

> a note, stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in a profit-sharing agreement, a limited partnership interest, an interest in a limited-liability company, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, viatical settlement investment, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in an oil, gas or other mineral lease or in payments out of production of such a lease, right or royalty, a put, call, straddle or option on a security, certificate of deposit or group or index of securities including any interest therein or based on the value of any of the foregoing, or, in general, any interest or instrument commonly known as a security or any certificate of interest or participation in, temporary or interim certificate for, receipt for, whole or partial guarantee of or warrant or right to subscribe to or purchase any of the foregoing.

7. In addition, the Nevada Administrative Code ("NAC") 90.090 states that an "investment contract" as used in NRS 90.090 includes:

> 1. Any investment in a common enterprise with the expectation of profit to be derived substantially through the efforts of a promoter or other third party; or

2. Any investment by which:
(a) An offeree furnishes initial value to an offeror;
(b) A portion of this initial value is subjected to the risks of the enterprise;
(c) The furnishing of the initial value is induced by the offeror's promises or representations which give rise to a reasonable understanding that a valuable benefit of some kind over and above the initial value will accrue to the offeree as a result of the operation of the enterprise; and
(d) The offeree does not receive the right to exercise practical or actual control over the managerial decisions of the enterprise.

8. As set forth in NRS 90.310, it is a violation of the Act for any person to act as a broker-dealer or a sales representative without being licensed or exempt from licensing under the Act.

9. NRS 90.220 defines a "broker-dealer" as "any person engaged in the business of effecting transactions for the account of others or for the person's own account."

10. As set forth in NRS 90.330, it is a violation of the Act for any person to act as an investment adviser or a representative of an investment adviser without being licensed or exempt from licensing under the Act.

11. NRS 90.250 defines an "investment adviser" as "a person who, for compensation, engages in the business of advising others as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as part of a regular business, issues or promulgates analyses or reports concerning securities."

12. As set forth in NRS 90.630(1), if the Administrator of the Division reasonably believes that a security is being offered or has been offered or sold in violation of the Act or that a person is acting as a broker-dealer or investment adviser in violation of the Act, the Administrator may issue, without a prior hearing, a summary order against the person engaged in the prohibited activities, directing such person to desist and refrain from further activity until the security is registered or such person is licensed under the Act.

13. Pursuant to NRS 90.630(2), the Administrator of the Division, after giving notice by registered certified mail and conducting a hearing in an administrative proceeding, unless the right to notice

and hearing is waived by the person against whom the sanction is imposed, may: (a) issue an order against the person to cease and desist; (b) censure the person if he or she is a licensed broker-dealer, sales representative, investment adviser or representative of an investment adviser; (c) bar or suspend the person from association with a licensed broker-dealer or investment adviser in this State; (d) issue an order against an applicant, licensed person or other person who willfully violates this chapter, imposing a civil penalty of not more than $25,000 for each violation; or (e) initiate one or more of the actions specified in NRS 90.640.

FACTUAL BACKGROUND

14. Respondent maintains a publically-accessible website having a uniform resource locator of www.aiflv.org ("Website").

15. The "Home" page of the Website contains the following statements:

> AIF is a private licensed investment fund, with less than sixty investors that is not publically traded. By having a limited number of investors our business consultants can give maximum attention to our investment goals and those of our customers.
>
> ...
>
> Having degrees in Business Administration, Finance and Accounting and Law Credits from accredited colleges and universities, we bring to the table a diverse background in understanding the retail business and stock markets. School teacher, stock broker, business developer, and accountant are examples of our work experience.
>
> ...
>
> Our mission is to empower clients to make informed financial decisions by providing consistent personal service and unbiased investment strategies.
>
> ...
>
> Whether it's building a comfortable retirement income and/or establishing a trust fund for your loved ones, we can meet and exceed your investment goals.

16. The "Your Needs" page of the Website contains the following statements:

> Our fund invests in only highly rated dividend paying stocks listed on the major exchanges. We never invest in capital appreciation stocks with little or no dividend payouts. Why? Because the only way you make money owning those stocks is if they go up in price. To us this is not investing but gambling. Why not invest in our fund with a guaranteed fixed rate of return of 10-12% payable monthly? All stocks owned in our portfolio are monitored daily and will be sold immediately on the knowledge of any substantial downturn in their performance. All stocks are reviewed prior to purchase by a rigid test of quality investment grade minimums by up to three highly rated services. In

addition we maintain a contingency fund to offset any potential loss of principal at time of maturity, unique in the industry. All stock transactions are monitored daily by an experienced accountant.

If "retirement" to you means a sufficient reliable steady income payable monthly, then you have found a fund that can meet those goals.

17. The "What Makes Us Different" page of the Website contains the following statements:

1. OUR PRINCIPLES

"Safe and Secure" is our motto. To only invest in High Yielding Stocks that are Highly Rated and pay dividends to its shareholders on a monthly basis.

2. WHY WE MUST BE SUCCESSFUL

Each investor in the stock market has a choice to invest in stocks with little or no dividends and gamble that their stock will appreciate in value or to invest their savings in only dividend stocks that are guaranteed to pay out a fixed rate of return with little or no risk to principal. Which one do you want to put your money into?

3. PRINCIPLES TO LIVE BY IN INVESTING

An additional motto of ours is "A bird in the hand is worth two in the bush." What does this have to do with investing you may ask? Everything! Too many forces are in play today in the world. War, disease, and natural disasters affect all business trade which none of us can control, these things drive stocks down in price. If you invest in "Dividend Stocks" the payment is guaranteed. Gamble or guaranteed investment, which one do you feel comfortable with?

4. INVESTMENTS - HOW IT ALL WORKS!

Don't go with the crowd- Think outside of the box! Some people make money in the stock market- most do not because they buy trading stocks. Only invest in fixed returns and you can't lose. AIF only invests in dividend stocks. That is how you build a substantial income on a monthly basis.

Invest today and reinvest most if not all monthly installment checks and you will have compounded interest on your principal. Watch your portfolio grow faster and faster each year.

5. TYPE OF STOCKS WE INVEST IN

We have the time and staff to research thousands of stocks to qualify for our fund. We invest the time to research and monitor our portfolio for your success.

6. CONTINGENCY FUND

We charge no fees to invest in our fund. Our fund earns operating income by investing over and above our payments we pay our clients. These funds are put into a "Contingency Fund" to protect your principal.

7. GUARANTEED PROOF OF FIXED RETURNS OF 12% TO INVESTORS

We will provide to all of our future clients, a full disclosure of our portfolio containing listed stocks, that pay 12% APR with monthly installments. Skeptics can independently verify our portfolio of stocks, by doing their own due diligence.

18. The "Types of Investments" page of the Website claims that the "Board of Directors for American Investment Fund" announced that: "All investments will be paid at the rate of 20% yearly, paid in equal 12 installments. All investors need to contact AIF to participate in the payment of 20% that has now been announced."

19. The "Q & A" page of the Website contains the following statements:

Let us tell you a little bit about what we do. We invest in only high yielding dividend paying stocks that are traded on both the New York and American stock exchanges. These stocks that you would be investing in give a fixed yearly return of 8-12% payable monthly (Based upon the amount of the clients investment) without worrying about the ups and downs of the stock market.

Example: If you currently have a 401K Plan, do you realize you are only receiving 4-6% rate of return every year? If you switched over the exact same amount of money to our fund, we would take that 6% and turn it into 12%, meaning you would literally DOUBLE your monthly income AND it's completely secured with protection of your principal.

The fixed rate of return is backed by our contingency fund, unique in the industry. This fund protects your monthly payments AND principal to ensure that you get paid on the 25th of every month. We would like to set up an appointment for you to meet with the owner of our fund.

If all this makes sense to you, and you have at least $2500 available to try out our investment program, please call American Investment Fund to answer any additional questions you may have. Upon setting up an appointment and visiting our office, our portfolio manager will open up our list of stocks to prove that these stocks are available and real. Please call AIF

for a personal consultation. We are available 7 days a week. Contact us for any additional information or questions.

20. In addition to the Website, there are several postings related to American Investment Fund on "craigslist" and "PanaHi" which are publically-accessible classified advertisement websites. Titles for these postings include, but are not limited to, the following: "Triple your monthly income without paying setup cost"; "Free Investment Seminar – Earn 20% Fixed APR Payable Monthly"; "Attention: All Investors – Earn 20% Return in our Fund"; "Retirement Plans – Earn 20% Fixed APR/Payable Monthy [sic]"; "Investment/Retirement Planning"; and "Attention: Investors – Equity Ownership in High Income Investment Fund". Statements on some of these postings include, but are not limited to, the following: "Investment of $100,000 at 20% APR dividend income for the year is $20,000 or $1,667 per month"; and "If you have capital and are looking to invest, and want to be sure that where you will be putting your money will be safe, we are the perfect fit for you."

21. Furthermore, there are several postings related to American Investment Fund on "craigslist" and "PandaHi" which target those seeking employment opportunities. Titles for these postings include, but are not limited to, the following: "$$$ Call Centers in the United States"; "Experienced Telemarketers – Top Dollar – Investment Fund"; "Telemarketers/Closers/Earn up to $2500 Weekly"; and "Top Investment Closers Wanted – Earn $250,000 First Year – Plus Residuals". Statements on some of these postings include, but are not limited to, the following: "If you are a top producer you will receive 10% commissions of the principal invested, bonuses and residual income."; and "We are interested in working with call centers throughout the united states [sic] to contact investors, senior citizens, business owners who would like to receive from 8 to 12% fixed return on their investment portfolio in our stock market fund. . . . We have leads in sufficient quantities to supply phone numbers to satisfy any call centers [sic] requirements."

22. According to records maintained by the Division, no registration statement or notice of exemption from registration relating to American Investment Fund have been filed with the Division.

23. According to records maintained by the Division, Respondent has never been licensed as a broker-dealer in the State of Nevada.

24. According to records maintained by the Division, Respondent has never been licensed as an investment adviser in the State of Nevada.

COUNT I
(Offers and Sales of Unregistered Securities)

25. The Division realleges and incorporates by reference paragraphs 1 through 24 above as if set forth fully herein.

26. An investment in American Investment Fund as described on the Website constitutes a security under the Act.

27. Respondent has violated and continues to violate NRS 90.460 by offering investments in American Investment Fund without such securities being registered or exempt from registration.

28. In addition, Respondent has violated NRS 90.460 each time an investor invested in American Investment Fund without such securities being registered or exempt from registration.

COUNT II
(Unlicensed Broker-Dealer)

29. The Division realleges and incorporates by reference paragraphs 1 through 28 above as if set forth fully herein.

30. Respondent is engaging in the business of effecting transactions in securities, namely the offering and selling of investments in American Investment Fund, and therefore, is a "broker-dealer" as defined in NRS 90.220.

31. Respondent has violated and continues to violate NRS 90.310 by acting as an unlicensed broker-dealer.

COUNT III
(Unlicensed Investment Adviser)

32. The Division realleges and incorporates by reference paragraphs 1 through 31 above as if set forth fully herein.

33. Respondent is engaging in the business of advising others as to the value of securities or as to the advisability of investing in, purchasing or selling securities, or who, for compensation and as part of a regular business, issues or promulgates analyses or reports concerning securities, and therefore, Respondent's activities fall within the definition of an "investment adviser" under NRS 90.250.

34. Respondent has violated and continues to violate NRS 90.330 by acting as an unlicensed investment adviser.

REQUEST FOR RELIEF

Based upon the foregoing, the Division respectfully requests the following:

1. That a Summary Order be entered requiring that Respondent to cease and desist from violating the licensing and registration provisions of the Act;

2. That a Final Order be entered requiring that Respondent to Cease and Desist from violating the licensing and registration provisions of the Act;

3. That a civil penalty not to exceed $25,000.00 be imposed against Respondent for each violation of the Act;

4. Reasonable attorney's fees and costs of investigation; and

5. For such other and further relief as the hearing officer deems just and proper.

Dated this 20th day of March, 2015.

Respectfully submitted,
NEVADA SECURITIES DIVISION

By: _____
Bryan Murray, Chief of Enforcement