



are subject to change. Accordingly, any order issued pursuant to Section 23-42-504(a)(8) should be narrowly drawn, either in terms of the specific transactions it is intended to cover or in terms of its period of effectiveness.

In this instance, the scope of the exemption cannot be limited to specific transactions since they are not identifiable at this time. Thus, the availability of the exemption should be limited to a specific term.

In determining whether it is reasonable to grant a discretionary exemption under Section 23-42-504(a)(8) for a period of one year, as requested by the Petitioner, the Commissioner must consider the weight of the facts on which the exemption is based against the probability that those facts will remain constant throughout the term of the exemption.

In this case, the representations of the Petitioner demonstrate that the Petitioner has substantial assets over which he regularly makes disposition and that he possesses considerable knowledge, experience and background in finance and investments. It appears unlikely that such assets will be dissipated or investor sophistication diminished during a twelve-month period.

Furthermore, granting the Petitioner's request is consistent with the policy and purposed of the Act in that it does not compromise investor protection. It is not necessary in the public interest to require registration of those securities transactions between the Petitioner and issuers whose securities are not otherwise registered or exempt in Arkansas since the Petitioner, who has demonstrated that he does not need the protections usually afforded by the securities laws, is the only Arkansas investor to whom such offers and sales may be made in reliance on this order.

Accordingly, the Commissioner may reasonably exercise the discretion provided for under Section 23-42-504(a)(8) to grant the Petitioner's request for an exemption order for one year from October 1, 1999, through September 30, 2000.

### **ORDER**

IT IS THEREFORE ORDERED that the Petitioner's request dated August 30, 1999, that he be deemed to be an institutional buyer under Section 23-42-504(a)(8) of the Act is hereby granted, effective October 1, 1999, for a period of one year from that date.

WITNESS MY HAND AND SEAL this 1st day of September 1999.



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MAC DODSON  
SECURITIES COMMISSIONER