STATE OF NORTH CAROLINA

Department of The Secretary of State

THE NORTH CAROLINA SECURITIES DIVISION,	)	
Petitioner,	)	
	)	FINAL ORDER TO CEASE & DESIST AS TO SEAN FITZGERALD MESCALL
vs.	)	
SEAN FITZGERALD MESCALL and CAPITALSTREET FINANCIAL, LLC,	)	FILE NO. 09-SEC-032
Respondents.	)	

THIS CAUSE coming on before the undersigned, upon the record in the above-captioned matter, to consider the request made in the Administrative Petition filed in this matter on September 8, 2009, for issuance of a Final Order to Cease and Desist against each Respondent ordering each Respondent to cease all violations of the North Carolina Securities Act; and

BASED UPON the record in this administrative proceeding, the undersigned makes the following:

FINDINGS OF FACT

(1) On September 8, 2009, Petitioner, the Securities Division of the North Carolina Department of the Secretary of State, filed an Administrative Petition containing certain allegations against Respondents, Sean Fitzgerald Mescall and CapitalStreet Financial, LLC, in which Petitioner requested both temporary and permanent relief with regard to each Respondent pursuant to N.C.G.S. §78A-47(b)(2).

(2) On September 8, 2009, the Administrator, through her Deputy Securities Administrator, entered a Temporary Order to Cease and Desist against each Respondent in this matter.

(3) On September 9, 2009, a sworn law enforcement officer employed by the Petitioner personally served upon each Respondent, in North Carolina, a copy of the Administrative Petition, Affidavit Supporting Petition, Temporary Order to Cease and Desist and Notice of Rights and Opportunity for Hearing.

(4) The Notice of Rights and Opportunity for a Hearing served upon each Respondent informed each Respondent that, upon failure to request a hearing in writing, file a responsive pleading, or make a submission within thirty (30) business days following service, that the Temporary Order to Cease and Desist shall become final and remain in effect unless modified or vacated by the Administrator.

(5) Respondent Sean Fitzgerald Mescall has failed to file a request for hearing, responsive pleading, submission, or otherwise appear in this administrative proceeding within the time allowed by N.C.G.S. §78A-47(b)(2).

(6) The Temporary Order to Cease and Desist issued on September 8, 2009, in this matter, including the Findings of Fact and Conclusions of Law therein, is hereby incorporated completely by reference thereto.

(9) It is necessary for the protection of investors and the public interest and consistent with the purposes of the Securities Act that the Temporary Order to Cease and Desist issued in this matter be made permanent and final.

BASED ON THE FOREGOING Findings of Fact, the undersigned makes the following:

CONCLUSIONS OF LAW

(1) The Administrator has jurisdiction over the person of Respondent Mescall and over the subject matter of this proceeding.

(2) The Administrator has statutory authority pursuant to N.C.G.S. §78A-47(b)(2) to enter and issue a Final Order making permanent the terms and conditions of the Temporary Order to Cease and Desist previously entered in this matter against Respondent Mescall as Respondent Mescall has failed to request a hearing, file a responsive pleading, or otherwise contest this matter.

(3) Respondent Mescall has violated N.C.G.S. §§78A-24 and 78A-36 in the sale of financial products from North Carolina to persons outside the state. All of these financial products were unregistered securities under the Securities Act and generally took the form of an "Account Agreement" whereby Respondent Mescall would trade in commodities futures contracts with funds provided by an investor or a "management" arrangement by which the Respondent Mescall controlled an account opened by an

investor with a registered Futures Commission Merchant. Respondent Mescall also offered to the public participation in an alleged "hedge fund" described as "Capital Protected Fixed Yield Enhancement, aka FX CD Plus." Respondent Mescall has violated N.C.G.S. §§78A-24 and 78A-36 in these activities as neither he nor the securities offered were registered with the Administrator.

(4) Respondent Mescall is now subject to the entry of a Final Order to Cease and Desist by operation of law under N.C.G.S. §78-47(b)(2).

(5) The entry of a final and permanent Order to Cease and Desist under the provisions of the Securities Act against Respondent Mescall is necessary to protect investors, is in the public interest, and consistent with the purposes of the Act.

BASED UPON THE FOREGOING Findings of Fact and Conclusions of Law, the Administrator hereby enters the following:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED pursuant to the authority contained in N.C.G.S. §78A-47(b)(2) that Respondent Mescall be, and hereby is permanently **ORDERED**:

a. Respondent Mescall, and any person, employee, officer, director, entity or independent contractor under the direction or control of Respondent Mescall, shall cease and desist offering for sale, soliciting offers to purchase, or selling, any securities of any issuer, howsoever denominated, including, but not limited to securities in the form of investment contracts, "account agreements," or protected

capital accounts, unless and until such securities shall have been registered pursuant to the provisions of the Securities Act; and

b. Respondent Mescall and any person, employee, officer, director, entity or independent contractor under the direction or control of any said Respondent, shall cease and desist offering or soliciting offers to purchase, or selling, any securities of any issuer, howsoever denominated, including, but not limited to the securities in the form of investment contracts, "account agreements," or protected capital accounts, unless and until each Respondent and any person under his control or direction is properly registered as a securities dealer or salesman under the provisions of the Securities Act.

WITNESS MY HAND AND THE OFFICIAL SEAL of the North Carolina Department of the Secretary of State, this the 23rd day of December, 2009.

Time of entry: 12:27 P. M.

ELAINE F. MARSHALL
SECRETARY OF STATE
OF NORTH CAROLINA and
Securities Administrator

By: _____
David S. Massey
Deputy Securities Administrator