

**BEFORE THE SECURITIES COMMISSIONER  
OF THE STATE OF KANSAS**

In the matter of:

ALMA, INC., JAMES W. MOORE,  
THOMAS C. MOORE, and RICHARD E.  
McDONALD,

Docket No. 09E016  
KSC No. 2006-5139

Respondents.

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MOTION TO DISMISS RESPONDENT RICHARD E. McDONALD

COMES NOW the State of Kansas, by and through Rick A. Fleming, General Counsel, for the Office of the Securities Commissioner, and moves that Respondent Richard E. McDonald be dismissed from the above-captioned case.

**IN SUPPORT OF SAID MOTION**, Movant states the following:

1. On July 31, 2009, the State was informed that Respondent McDonald has developed Alzheimer's and is not mentally competent to address the issues in this matter.
2. Respondents Alma Inc., James W. Moore, and Thomas C. Moore, do not object to the dismissal of Respondent McDonald.

WHEREFORE, the State respectfully requests that Respondent McDonald be dismissed from the case.

Respectfully Submitted,

/s/ Rick A. Fleming

Rick A. Fleming , #17127

General Counsel

Office of the Kansas Securities Commissioner

618 S. Kansas Ave., 2<sup>nd</sup> Floor

Topeka, Kansas 66603

**Certificate of Service**

I hereby certify that on this 27th day of August, 2009, copies of the above Motion to Dismiss Respondent McDonald were sent by first class mail, addressed to the following:

Thompson Law Firm, LLC  
106 E. 2<sup>nd</sup> Street  
Wichita, Kansas 67202  
Telephone (316) 267-3933  
Fax (316) 267-3901  
*Attorney for Respondents Alma Inc., James Moore & Thomas Moore*

Richard E. McDonald c/o Heidi Byerly



/s/ Michelle Lancaster  
Michelle Lancaster  
Legal Assistant

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ORDER OF DISMISSAL FOR  
RESPONDENT RICHARD E. McDONALD.

NOW on this 26th day of August, 2009, the above-captioned matter comes on for consideration of the State's Motion to Dismiss Respondent Richard E. McDonald.

WHEREUPON, On June 3, 2009, a Notice of Intent to Invoke Administrative Sanctions was issued against the above named Respondents. Subsequent to the issuance of the Notice of Intent, staff for the Office of the Securities Commissioner has become aware of mitigating facts and the Commissioner has determined that the Notice of Intent should be dismissed in regards to Respondent Richard E. McDonald without further proceedings.

IT IS, THEREFORE, ORDERED BY THE COMMISSIONER, that the Notice of Intent, Docket No. 09 E 016, dated June 3, 2009, is hereby dismissed in regards to RICHARD E. McDONALD.

**IT IS SO ORDERED.**

/s/ Chris Biggs  
Chris Biggs  
Securities Commissioner  
State of Kansas

**Certificate of Service**

I hereby certify that on this 27th day of August, 2009, copies of the above Order of Dismissal were sent by first class mail, addressed to the following:

Thompson Law Firm, LLC  
106 E. 2<sup>nd</sup> Street  
Wichita, Kansas 67202  
Telephone (316) 267-3933  
Fax (316) 267-3901  
*Attorney for Respondents Alma Inc., James Moore & Thomas Moore*

Richard E. McDonald c/o Heidi Byerly  


/s/ Michelle Lancaster \_\_\_\_\_  
Michelle Lancaster  
Legal Assistant