

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

In the Matter of:

Leslie Spencer Mersky, and
Bankcard Empire,

Docket No. 11E017
KSC No. 2011-5789

Respondents.

_____/
Pursuant to K.S.A. 17-12a604

CEASE AND DESIST ORDER

The above-entitled matter comes for consideration by the Securities Commissioner of Kansas. Pursuant to K.S.A. 2005 Supp. 17-12a602, staff for the Office of the Securities Commissioner has conducted an investigation to determine whether the Respondents have violated the Kansas Uniform Securities Act, K.S.A.17-12a101, et seq. Having been apprised of the facts revealed in that investigation, the Commissioner finds as follows:

I. Findings of Fact

1. Respondent Leslie S. Mersky is the owner and President of Respondent Bankcard Empire. His last known address is [REDACTED]. Mersky has a CRD number of 1374944, though he has never been registered as either an agent or investment adviser representative.
2. Respondent Bankcard Empire is a business of unknown legal design which held itself out as a company that sold credit card machines to other businesses. Its last known address is 1920 E Broadway Road, Tempe, Arizona 85282.

3. Approximately January 2009, an employee of Respondent Bankcard Empire made an unsolicited telephone call to a known Kansas resident, "█," to offer him an investment opportunity. According to the caller, if █ would pay various expenses to market credit card machines, Respondent Bankcard Empire would pay him a profit based on the number of sales completed as a result of the marketing. █ was told he could expect a \$600 return on his investment within the first year.
4. On or about January 29, 2009, █ paid \$1,500 for telephone calls and email blasts that were targeted toward potential buyers for the credit card machines.
5. On or about February 04, 2009, █ paid an additional \$2,500 for more marketing expenses.
6. To date, █ has never received any return on his investment.
7. Respondents Bankcard Empire and Mersky were subsequently investigated by the U.S. Postal Inspector's office for fraudulent schemes, theft, forgery, and identity theft. All of the assets of Bankcard Empire were seized.

II. Conclusions of Law

8. The investment opportunity that was offered to █ is a security as defined by K.S.A. 17-12a102(28).
9. In violation of K.S.A. 17-12a-301, Respondents Leslie S. Mersky and Bankcard Empire sold a security in the State of Kansas that was not registered under the Kansas Uniform Securities Act.
10. In violation of K.S.A. 17-12a402(d), Respondents Leslie S. Mersky and Bankcard Empire employed or associated with an agent who transacted business in the State of Kansas on behalf of Bankcard Empire while the agent was not registered under the Kansas Uniform Securities Act.

III. Cease and Desist Order

The Commissioner finds that action is appropriate under K.S.A. 17-12a604(a) because sufficient evidence exists to conclude that the Respondents have engaged in, are engaging in, or are about to engage in acts or practices constituting violations of the Kansas Uniform Securities Act, or have materially aided, are materially aiding, or are about to materially aid such violations.

IT IS, THEREFORE, ORDERED by the Commissioner that the Respondents and their officers, agents, servants, employees, and any person in concert or participation with them who receives actual notice of this order, shall immediately CEASE and DESIST in the State of Kansas from soliciting offers to buy or making offers to sell, or effecting or transacting sales of securities, or the securities of any other person or issuer, or directly or indirectly aiding and assisting in the same or attempting to do the same, (1) unless and until such securities have been registered for offer and sale pursuant to the provisions of the Kansas Uniform Securities Act, or unless and until such securities are specifically exempt from the registration requirements of the Kansas Uniform Securities Act; and (2) unless and until the Respondents and all other affiliates, employees or contractors of the Respondents who are to be engaged in such solicitations, offers, and sales first become registered as broker-dealers or agents pursuant to the provisions of the Kansas Uniform Securities Act, or unless and until such persons are specifically exempt from such registration requirements of the Kansas Uniform Securities Act; and (3) unless and until the Respondents refrain from all acts and practices which constitute violations or are about to constitute violations of the Kansas Uniform Securities Act.

IV. Opportunity for Hearing

If the Respondents wish to contest the issuance of this order, then the Respondents must file a request for hearing. The request for hearing must be in the manner and form prescribed by

K.A.R. 81-11-5, and it must be filed with the Office of the Securities Commissioner, 109 SW 9th Street, Suite 600, Topeka, Kansas 66612. The request for hearing must be verified under oath by the Respondents, and if the Respondents dispute any of the Findings of Fact or Conclusions of Law set forth above, the Respondents shall specifically deny them or they will be deemed admitted. In addition, the Respondents may offer evidence and argument to mitigate the allegations. If the allegations are properly disputed, the matter will be set for a hearing which shall be conducted in accordance with the provisions of the Kansas Administrative Procedures Act. If no request for hearing is filed within 33 days after the date of mailing shown on the Certificate of Service for this order, the order will become final without further proceedings. The Office of the Securities Commissioner shall be represented in this matter by Rick A. Fleming, General Counsel, 109 SW 9th Street, Suite 600, Topeka, Kansas 66612, telephone (785) 296-5215.

IT IS SO ORDERED this 12th day of May, 2011.

/s/ Aaron Jack
Aaron Jack
Securities Commissioner

NOTICE:

(1) Pursuant to K.S.A. 17-12a508(a), any intentional violation of an order issued under the Kansas Uniform Securities Act is a felony criminal offense.

(2) This decision may constitute final agency action that is subject to judicial review. The agency officer to receive service of a petition for judicial review on behalf of the Office of the Kansas Securities Commissioner is Aaron Jack, Securities Commissioner, at 109 SW 9th Street, Suite 600, Topeka, Kansas 66612.

Certificate of Service

I hereby certify that on this 13th day of May, 2011, copies of the above Cease and Desist Order were sent by certified mail, return receipt requested, addressed to the following:

Leslie S. Mersky



Bankcard Empire
1920 E Broadway Road
Tempe, Arizona 85282

/s/ Michelle Lancaster

Michelle Lancaster
Legal Assistant