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**STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
SECURITIES DIVISION**

IN THE MATTER OF DETERMINING  
Whether there has been a violation  
of the Securities Act of Washington by:

SDO - 88 - 01

ORBIT ENTERPRISES, INC. d/b/a THE  
CYBERGOLF NETWORK; DAN MURNAN;  
MICHAEL BURDETT; their agents and employees,

STATEMENT OF CHARGES AND NOTICE OF  
INTENTION TO ENTER ORDER TO CEASE AND  
DESIST

Respondents.

Case No. 01-04-162

THE STATE OF WASHINGTON TO: Orbit Enterprises, Inc.  
d/b/a The Cybergolf Network  
120 West Dayton Suite D-5  
Edmonds, WA 98275

Dan Murnan  
Orbit Enterprises, Inc.  
d/b/a The Cybergolf Network  
120 West Dayton Suite D-5  
Edmonds, WA 98275

Michael Burdett  
CRD #1304377

**STATEMENT OF CHARGES**

Please take notice that the Securities Administrator of the State of Washington has reason to believe that Respondents, Orbit Enterprises, Inc., Dan Murnan, Michael Burdett, and their agents and employees, have each violated the Securities Act of Washington and that their violations justify the entry of an order of the Securities Administrator under RCW 21.20.390 to cease and desist from such violations. The Securities Administrator finds as follows:

STATEMENT OF CHARGES AND NOTICE OF  
INTENTION TO ENTER ORDER TO CEASE  
AND DESIST

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DEPARTMENT OF FINANCIAL INSTITUTIONS  
Securities Division  
PO Box 9033  
Olympia, WA 98507-9033  
360-902-8760

**TENTATIVE FINDINGS OF FACT**

**I. Respondents**

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3 1. **ORBIT ENTERPRISES, INC.** (“Orbit Enterprises”) is a Washington corporation with a principal  
4 business address of 120 West Dayton Suite D-5, Edmonds, WA 98275. Orbit Enterprises conducts business as  
5 The Cybergolf Network. The company’s business purpose is to attract participants in the golf industry into e-  
6 commerce and e-business through Internet websites that The Cybergolf Network controls, such as cybergolf.com  
7 and golfconstructionnews.com.

8 2. **DAN MURNAN** (“Murnan”) was the President of Orbit Enterprises at all times relevant to the  
9 matters set forth herein.

10 3. **MICHAEL BURDETT** (“Burdett”), CRD #1304377, acted as an agent for Orbit Enterprises  
11 during the company’s investment offering. Orbit Enterprises and Dan Murnan agreed to pay Burdett a commission  
12 based on the number of persons that Burdett was able to induce to invest in the company.

**II. Nature of the Offering**

13 4. From approximately December of 1999 to May of 2001, Orbit Enterprises, Dan Murnan, and Michael  
14 Burdett (collectively referred to herein as “Respondents”) induced at least thirty-three persons to invest in Orbit  
15 Enterprises. Respondents approached and/or offered an investment opportunity in Orbit Enterprises to at least eighteen  
16 other persons during this time period.

17 5. From approximately February of 2001 to May 2001, Michael Burdett, acting as an agent for Orbit  
18 Enterprises, directly participated in the investment offering as to at least seventeen of the thirty-three investors. Burdett  
19 received over \$16,000 in commissions from Orbit Enterprises for his participation in the investment offering.

20 6. Several of the investors signed written stockholder or subscription agreements with Orbit Enterprises.  
21 Pursuant to the terms of their respective agreements, investors were given a certain number shares of the common  
22 stock of Orbit Enterprises for an agreed upon aggregate purchase price. The stock was sold for \$0.50 per share to  
23 some investors and for \$1.00 per share to others.

1 7. Investors were typically provided a business plan of the company that included projected financial  
2 information pertaining to future revenues to be earned by the company, such as projected revenues of over \$130  
3 million dollars in 2004. Respondents failed to provide investors with a reasonable basis for these financial  
4 projections.

5 8. Respondents failed to provide investors with material information regarding Orbit Enterprises  
6 during the investment offering, including but limited to: (1) how investors' funds were to be used; (2) the risks of  
7 the investment; (3) financial statements of the company; and (4) the variation in price of the stock sold to  
8 investors.

9 9. Respondents obtained at least \$749,000 from investors in conjunction with the investment offering.

### 10 **III. Registration Status**

11 10. Orbit Enterprises, Inc., Dan Murnan, and Michael Burdett are not currently registered to offer or sell  
12 its securities in the state of Washington and have not previously been so registered.

13 11. Orbit Enterprises, Inc. and Dan Murnan are not currently registered as securities salespersons or  
14 broker-dealers in the state of Washington and have not previously been so registered.

15 12. Michael Burdett is not currently registered as a securities salesperson or broker-dealer in the state of  
16 Washington. Michael Burdett was registered with the State of Washington as a securities salesperson from May of  
17 1988 to September of 1989, and from February of 1994 to January of 2001. At no time was Michael Burdett  
18 registered to offer or sell the securities of Orbit Enterprises, Inc.

19 Based upon the above Tentative Findings of Fact, the following Conclusions of Law are made:

## 20 **CONCLUSIONS OF LAW**

### 21 **I. Securities**

22 The offer and/or sale of stock as described above constitutes the offer and/or sale of a security as defined in  
23 RCW 21.20.005(10) and (12).

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**II. Violation of RCW 21.20.010**

The offer and/or sale of said securities was made in violation of RCW 21.20.010 because, as specifically set forth in paragraphs 7 and 8 of the Tentative Findings of Fact, Respondents made untrue statements of material fact and/or omitted to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading.

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**III. Violation of RCW 21.20.140**

The offer and/or sale of said securities is in violation of RCW 21.20.140 because no registration for such offer and/or sale is on file with the Securities Administrator of the state of Washington.

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**IV. Violation of RCW 21.20.040**

Respondents have violated RCW 21.20.040 by offering said securities while not being registered as broker-dealers or securities salespersons in the state of Washington.

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**NOTICE OF INTENTION TO ORDER RESPONDENTS TO CEASE AND DESIST**

Based upon the above Tentative Findings of Fact and Conclusions of Law, the Securities Administrator intends to order that Respondents, Orbit Enterprises, Inc., Dan Murnan, Michael Burdett, and their agents and employees, each permanently cease and desist from violations of RCW 21.20.010, RCW 21.20.140, and RCW 21.20.040.

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**AUTHORITY AND PROCEDURE**

The STATEMENT OF CHARGES AND NOTICE OF INTENTION TO ENTER ORDER TO CEASE AND DESIST is entered pursuant to the provisions of RCW 21.20.390, and is subject to the provisions of Chapter 34.05 RCW. Each of the Respondents may make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this Order.

If a Respondent does not request a hearing, the Securities Administrator intends to adopt the above

1 Tentative Findings of Fact and Conclusions of Law as final and enter a permanent cease and desist order against  
2 that Respondent.

3 DATED this 17<sup>th</sup> day of October, 2001.  
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8 DEBORAH R. BORTNER  
9 Securities Administrator

10 Approved by:

11 Presented by:

12 \_\_\_\_\_  
13 Michael E. Stevenson  
14 Chief of Enforcement

15 \_\_\_\_\_  
16 Chad Standifer  
17 Staff Attorney