

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**STATE OF CALIFORNIA**  
**BUSINESS, TRANSPORTATION AND HOUSING AGENCY**  
**DEPARTMENT OF CORPORATIONS**

**TO: David John Feuerborn**  
**Thomas Robert Jennings**  
**ESS Environmental, Inc.**  
**Environmental Soil Sciences, Inc.**  
**355 Lantana Street, Suite 111**  
**Camarillo, CA 93010**

**DESIST AND REFRAIN ORDER**  
**(For violations of Sections 25110 and 25401 of the California Corporations Code)**

The California Corporations Commissioner finds that:

1. At all relevant times, David John Feuerborn (“Feuerborn”) was the president and in control of ESS Environmental, Inc. and Environmental Soil Sciences, Inc. At all relevant times, Thomas Robert Jennings (“Jennings”) was vice-president of ESS Environmental, Inc. and Environmental Soil Sciences, Inc.
2. At all relevant times, ESS Environmental, Inc. (“ESSE”) and Environmental Soil Sciences, Inc. (“ESS”) headquarters were located at 355 Lantana Street, Suite 111, Camarillo, California 93010. ESSE and ESS, also had facilities at 911 Via Rodeo, Anaheim, California 92806.
3. Beginning in or around February 2003 and continuing thereafter, Feuerborn, Jennings and ESSE offered and sold securities in the form of shares of stock and did so by using untrue statements and/or misrepresentations or omissions of material facts. Beginning in or around June 2004 and continuing thereafter, Feuerborn, Jennings and ESS offered and sold securities in the form of shares of stock and did so by using untrue statements and/or misrepresentations or omissions of material facts.
4. Some of the misrepresentations made by Feuerborn, Jennings, ESSE and ESS include, but are not limited to, the following:
  - a. Chevron Oil Company had a working relationship with Feuerborn, Jennings, ESSE and ESS;

- 1 b. Chevron Oil Company had its engineers helping Feuerborn, Jennings, ESSE and ESS to
- 2 design a machine that would remove oil from the soil;
- 3 c. That a patent was pending on “R6000”, which was claimed by Feuerborn, Jennings, ESSE
- 4 and ESS to be the critical ingredient in their oil removing technology;
- 5 d. That the machine designed/created by Feuerborn, Jennings, ESSE and ESS was capable of
- 6 processing 40 tons of soil per hour;
- 7 e. That “R6000” was non-toxic and environmentally safe, when in fact “R6000” contains the
- 8 hazardous chemical methylene chloride;

9 5. Some of the omissions made by Feuerborn, Jennings, ESSE and ESS include, but are not  
10 limited to, the following:

- 11 a. That the Texas Securities Board had issued a “Cease and Desist” order in March 2003
- 12 against ESSE and Feuerborn for the offer and sale of unregistered securities;
- 13 b. That Chevron Oil Company had sent a “cease and desist” letter to ESSE and ESS for
- 14 using the Chevron logo and trademark without Chevron’s permission;
- 15 c. That Feuerborn had been successfully sued in Texas and was liable for making false
- 16 statements in the offer and sale of a similar product of R6000, called “Renue”;
- 17 d. That Jennings had filed personal bankruptcy in 1995;
- 18 e. That a previous similar product, “Renue”, offered and sold by Feuerborn had failed to
- 19 work as Feuerborn represented.

20 6. These securities were offered or sold in this state in issuer transactions. The Department of  
21 Corporations has not issued a permit or other form of qualification authorizing any person to offer  
22 and sell these securities in this state.

23 Based upon the foregoing findings, the California Corporations Commissioner is of the  
24 opinion that the securities that were offered or sold in issuer transactions are securities subject to  
25 qualification under the California Corporate Securities Law of 1968, and are being or have been  
26 offered or sold without being qualified, in violation of Section 25110 of the Corporate Securities Law  
27 of 1968.

28 Based on the foregoing findings, the California Corporations Commissioner is of the

1 opinion that the securities offered and sold by David John Feuerborn, Thomas Robert Jennings, ESS  
2 Environmental, Inc. and Environmental Soil Sciences, Inc are securities in the form of shares of stock  
3 and were offered and sold by means of oral or written communication that include untrue statements  
4 of material fact or omitted to state material facts necessary in order to make the statements made, in  
5 light of the circumstances in which they were made, not misleading, in violation of section 25401 of  
6 the Corporate Securities Law of 1968.

7 Pursuant to Section 25532 of the Corporate Securities Law of 1968, David John Feuerborn,  
8 Thomas Robert Jennings, ESS Environmental, Inc. and Environmental Soil Sciences, Inc. are hereby  
9 ordered to desist and refrain from the further offer or sale in the State of California of securities,  
10 including but not limited to shares of stock, unless and until qualification has been made under the  
11 law or unless exempt.

12 Pursuant to Section 25532 of the Corporate Securities Law of 1968, David John Feuerborn,  
13 Thomas Robert Jennings, ESS Environmental, Inc. and Environmental Soil Sciences, Inc, are hereby  
14 ordered to desist and refrain from offering or selling any security in the State of California by means  
15 of any written or oral communication which includes an untrue statement of material fact or omits to  
16 state a material fact necessary in order to make the statements, in light of the circumstances under  
17 which they were made, not misleading.

19 This Order is necessary, in the public interest, for the protection of investors and consistent  
20 with the purposes, policies, and provisions of the Corporate Securities Law of 1968.

21  
22 Dated: November 9, 2006  
23 Los Angeles, California

24 PRESTON DuFAUCHARD  
25 California Corporations Commissioner

26 By \_\_\_\_\_  
27 Alan S. Weinger  
28 Lead Corporations Counsel