



STATE OF MISSOURI  
OFFICE OF SECRETARY OF STATE

IN THE MATTER OF:	)	
	)	
THUNDERSTRUCK INVESTMENTS LIMITED	)	
d/b/a TRADETHUNDER.COM,	)	
	)	
<i>Respondent.</i>	)	Case No. AP-16-35
	)	
Serve:	)	
	)	
Thunderstruck Investments Limited	)	
3rd floor, C&H Towers	)	
Corner of Great Marlborough & Great Georges Street	)	
Roseau 00152	)	
Commonwealth of Dominica	)	

**FINAL ORDER TO CEASE AND DESIST  
AND ORDER AWARDING CIVIL PENALTIES AND COSTS**

Now on the 21st day of April, 2017, the Commissioner, having reviewed this matter, issues the following findings and order:

**I. PROCEDURAL BACKGROUND**

1. On September 22, 2016, the Enforcement Section of the Missouri Securities Division of the Office of Secretary of State (“Enforcement Section”), through Director of Enforcement John Phillips, submitted a Petition for Order to Cease and Desist and Order to Show Cause Why Restitution, Civil Penalties, and Costs Should not be Imposed (“Petition”).
2. On September 22, 2016, Naomi at [support@tradethuner.com](mailto:support@tradethuner.com) sent an email of receipt of the Petition and stated she had “escalated your request to our manager.”
3. On September 26, 2016, Evan Thomas, email address [csmanager@tradethunder.com](mailto:csmanager@tradethunder.com) stated, “I have spoken to management and we are taking immediate action to block all residence [sic] of Missouri from becoming users at [www.TradeThunder.com](http://www.TradeThunder.com).”

4. On September 29, 2016, the Commissioner issued an Order to Cease and Desist and Order to Show Cause Why Restitution, Civil Penalties, and Costs Should Not Be Imposed (“Order”). The Missouri Division of Securities Office Manager sent, via U.S. Registered mail, return receipt requested, a copy of the Order, and Notice of Right to Request a Hearing to Respondent at 3<sup>rd</sup> Floor, C&H Towers, Corner of Great Marlborough & Great Georges Street, Roseau 00152, Commonwealth of Dominica.
5. On September 29, 2016, the Missouri Division of Securities Office Manager sent, via email, a copy of the Order, and Notice of Right to Request a Hearing to Respondent at [support@tradethunder.com](mailto:support@tradethunder.com). A delivery confirmation email notice was received, which indicates the email was at least received by the email address listed.
6. On or about September 29, 2016, the Order was made publically available on the Missouri Secretary of State’s Office website.<sup>1</sup>
7. On December 13, 2016, a copy of the process (the Order) was provided by the Enforcement Section to the Commissioner by hand delivering a copy to the Office of the Commissioner.
8. On December 13, 2016, the Office of the Commissioner sent, via U.S Registered mail, return receipt requested, a Notice of the Service and a copy of the process (the Order), to Respondent at 3rd Floor, C&H Towers, Corner of Great Marlborough & Great Georges Street, Roseau 00152, Commonwealth of Dominica.
9. On December 13, 2016, the Office of the Commissioner sent, via email, a Notice of the Service and a copy of the process (the Order) to Respondent at [support@tradethunder.com](mailto:support@tradethunder.com). A delivery confirmation email notice was received, which indicates the email was at least received by the email address listed.
10. On December 15, 2016, Respondent contacted the Securities Division via email from [support@tradethunder.com](mailto:support@tradethunder.com), to acknowledge receipt of the notice of the service of process on the Commissioner. The email stated that Respondent had previously responded to the Securities Division on October 5, 2016 via email, and the Respondent attached a copy of the alleged October 5, 2016, email response. The email also stated that “we have disabled all the Missouri accounts and are no longer accepting any from Missouri.” “Please let me know if there is anything we can do.” The email purported to be from Evan Thomas, Customer Support Manager at Tradethunder.
11. A review of the internet headers on the Respondent’s October 5, 2016 email showed that the email was sent from [csmanager@tradethunder.com](mailto:csmanager@tradethunder.com) to [support@tradethunder.com](mailto:support@tradethunder.com) on October 5, 2016, but it was not sent to anyone else. The email did however have an attachment which contained a spreadsheet listing the accounts of 17 alleged Missouri residents with Tradethunder.

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<sup>1</sup> <https://www.sos.mo.gov/CMSImages/Securities/orders/AP-16-35.pdf>

12. On December 15, 2016, Enforcement Director John Phillips sent an email to Mr. Thomas stating this was the first time the Enforcement Section has seen the October 5, 2016 email and the attached spreadsheet of Missouri residents. Mr. Phillips stated that the Enforcement Section would be interested in resolving this matter consistent with other actions taken by the Securities Division with similar firms as Tradethunder.
13. On January 17, 2017, the Enforcement Section emailed Mr. Thomas at [support@tradethunder.com](mailto:support@tradethunder.com) and stated the following:
  - a. the Order was issued on September 29, 2016;
  - b. on December 15, 2016, the Enforcement Section communicated with Tradethunder that we were willing to work towards a resolution that involved a refund to all Missouri investors;
  - c. we wanted this resolution completed in a timely matter and it had been over 30 days since we last heard from Tradethunder; and
  - d. if we do not receive a response from Tradethunder by January 24, 2017, we would begin our process to file a motion for a Final Order in this matter.
14. On March 30, 2017, the Enforcement Section attempted to go to [www.tradethunder.com](http://www.tradethunder.com), but the website was no longer available. A search on [www.archive.org](http://www.archive.org) found that February 27, 2017, was the last known date the Tradethunder website was active.
15. On April 4, 2017, the Enforcement Section attempted to email Respondent at both known email addresses, [csmanger@tradethunder.com](mailto:csmanger@tradethunder.com) and [support@tradethunder.com](mailto:support@tradethunder.com), but both emails failed delivery. The diagnostic information from the failed attempts stated “recipient not found.”
16. As of April 4, 2017, the Enforcement Section has not received a response to the January 17, 2017, email.
17. On April 5, 2017, the Enforcement Section submitted a Motion for Final Order and Order Awarding Civil Penalties and Costs.
18. Respondent failed to request a hearing within the time allowed by Sections 409.6-604, RSMo (Cum. Supp. 2013),<sup>2</sup> and 409.843, RSMo (2000).
19. The Commissioner has not ordered a hearing in this matter pursuant to Sections 409.6-604 and 409.843, RSMo (2000).
20. To date, Respondent has failed to respond to the Motion for Final Order.

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<sup>2</sup>Unless otherwise specified, all statutory references are to the 2013 cumulative supplement to the Revised Statutes of Missouri.

## **II. FINDINGS OF FACT**

### **A. Respondents and Related Parties**

21. Tradethunder.com is a website that is purported to be owned by Thunderstruck Investments Limited, based in Roseau, Dominica.
22. As used herein, the terms “Respondent,” “Tradethunder.com,” and/or “Tradethunder” refer to Thunderstruck Investments Limited d/b/a Tradethunder.com.
23. At all times relevant to this matter, Respondent has never been registered in Missouri as an investment adviser, investment adviser representative, broker-dealer, broker-dealer agent, and/or issuer agent.
24. At all times relevant to this matter, there was no registration, granted exemption, or notice filing indicating status as a “federal covered security” for the securities offered by Respondent.
25. According to the National Futures Association’s BASIC database, Respondent was not registered as any type of commodity merchant or Intermediary in connection with futures trading.<sup>3</sup>

### **B. Enforcement Section Investigation**

26. On or around May 5, 2016, the Enforcement Section opened an investigation on Tradethunder.com and emailed a written request for information to Tradethunder.com at [support@Tradethunder.com](mailto:support@Tradethunder.com). The letter asked for, among other things, a list of all Missouri investors who invested with or had an account with Tradethunder.com.
27. The Enforcement Section never received a response regarding the emailed written request for information.
28. On July 20, 2016, the Enforcement Section created an account from the State of Missouri, with Tradethunder.com using a decoy identity (“Decoy”). The Decoy email account received an email from [compliance@tradethunderservice.com](mailto:compliance@tradethunderservice.com), asking for a proof of ID document, a proof of address document, a “proof of payment” document (a photocopy of a credit card, both front and back), and a “Declaration of Deposits” form to complete the opening of the account with Tradethunder.com. None of the requested information was submitted to Tradethunder.com.
29. However, approximately ten minutes later, an email was received in the Decoy email account from [info@tradethunderservice.com](mailto:info@tradethunderservice.com) that contained among other things, the following:

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<sup>3</sup> BASIC is the database where futures commission merchants or intermediaries must register in order to be considered registered with the Commodities Futures Trading Commission.

- a. confirmation the registration of the Decoy account was now complete at Tradethunder.com;
  - b. that the Decoy account was “only a few clicks away from starting your trading experience with TradeThunder!”;
  - c. instructions on how to access the new Decoy account by going to Tradethunder.com; and
  - d. an active link/button titled “DEPOSIT NOW!”.
30. From August 9, 2016, to September 8, 2016, the Decoy account received at least 26 emails from Tradethunder.com, which contained among other things, “Trading Signals” and “Trading Tips.”
31. On July 27, 2016, and August 1, 2016, an investigator with the Enforcement Section placed calls to the telephone number purported to be in the U.S. on Tradethunder’s website. On both occasions a recorded voice answering service message stated that Tradethunder had been reached, but no one was available to take the call.
32. On both occasions the investigator left a voice message stating: (a) who the investigator was; (b) that the investigator was with the Enforcement Section; (c) that the investigator was calling to discuss the Enforcement Section’s written request for information emailed to Tradethunder on May 5, 2016; and (d) that the investigator needed a representative from Tradethunder to return his call.
33. As of September 22, 2016, Tradethunder has not responded to the Enforcement Section’s written request for information from May 5, 2016, or returned the telephone calls.

**C. Tradethunder.com**

34. As of September 22, 2016, Tradethunder.com states and/or contains the following:
- a. “TradeThunder was founded in 2015 based on the principle that the trader comes first. . .”;
  - b. “From free demo account to one click trading you will find a binary options broker that is truly different. . .”;
  - c. “With over 80 assets available in the four major asset classes with include stocks, commodities, currencies and indices to trade and trades as low as \$1 you will find that TradeThunder is the perfect place to trade binary options. . .”;
  - d. “Up to 100% bonus. Unique bonus structure with absolutely NO withdrawal restrictions!”;

- e. “CALL NOW”, in the USA “+1-646-755-6101”;
- f. Payments accepted by Visa, MasterCard, and bank wire transfers;
- g. “New at TradeThunder? We will help you get off on the right foot. Deposit \$500 or more and then contact customer support to receive your risk-free trades. . .”;
- h. “Improve your results by educating yourself on the nature of binary options and how to trade successfully through our Education Center.”;
- i. “Just ONE Decision, High or Low, and You’re Read To Go” [sic]; and
- j. “Take the trading world by storm with our revolutions Oneclick feature.”

**D. Additional Findings**

- 35. In connection with the offer of securities and/or commodities, Respondent did not disclose, among other things, the following:
  - a. that Respondent was not registered to offer or sell securities/commodities in the State of Missouri;
  - b. that the securities/commodities were not registered or exempt from registration in the State of Missouri; and
  - c. that Respondent was not registered with the Commodity Futures Trading Commission.

**III. CONCLUSIONS OF LAW**

- 36. Because the Respondent has failed to request a hearing within the time allowed by Sections 409.6-604, and 409.843, RSMo (2000), and because the Commissioner never ordered such a hearing, the Order issued on September 29, 2016, against the Respondent became **FINAL** by operation of law.
- 37. This order is in the public interest and is consistent with the purposes of the Missouri Securities Act of 2003 and Sections 409.800 to 409.863, RSMo (2000).

**Multiple Violations of Offering and Selling Unregistered, Non-Exempt Securities.**

- 38. **THE COMMISSIONER CONCLUDES** that Respondent violated Section 409.3-301 when it offered unregistered, non-exempt securities in the State of Missouri when Respondent offered binary options to Missouri residents in exchange for money.
- 39. This activity constitutes the offer to sell as that term is defined in Section 409.1-102(26).

40. “[P]ut, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency” is enumerated in the list of items that are securities in Section 409.1-102(28).
41. The investments Respondent offered to Missouri residents are either binary options deriving whatever value may have existed from an underlying asset, or a commodity, or foreign currency, and were securities as that term is defined in Section 409.1-102(28).
42. At all times relevant to this matter, there was no registration, granted exemption, or notice filing indicating status as a “federal covered security” for the securities offered by Respondent.
43. Respondent offered securities in Missouri without these securities being (1) a federal covered security, (2) exempt from registration under Sections 409.2-201 or 409.2-203, or (3) registered under the Missouri Securities Act of 2003.
44. Respondent offered unregistered securities in violation of Section 409.3-301.
45. Respondent’s actions in violation of Section 409.3-301 constitute an illegal act, practice, or course of business, and such conduct is, therefore, subject to the Commissioner’s authority under Section 409.6-604.

#### **Multiple Violations of Transacting Business as an Unregistered Broker-Dealer**

46. **THE COMMISSIONER FURTHER CONCLUDES** that Respondent violated Section 409.4-401(a) when Respondent transacted business as an unregistered, non-exempt broker-dealer in the State of Missouri by engaging in the business of effecting transactions in securities for the account of others.
47. These activities constitute transacting business as a broker-dealer in the State of Missouri under Section 409.1-102(4).
48. At all times relevant to this matter, Respondent was not registered as a broker-dealer either with the Securities and Exchange Commission or with the State of Missouri.
49. Respondent transacted business in Missouri without being registered or exempt from registration as a broker-dealer in violation of Section 409.4-401(a).
50. Respondent’s actions in violation of Section 409.4-401(a) constitutes an illegal act, practice, or course of business, and such conduct is, therefore, subject to the Commissioner’s authority under Section 409.6-604.

#### **Multiple Violations of Offering Prohibited Commodities Contracts**

51. **THE COMMISSIONER FURTHER CONCLUDES** that Respondent violated Section 409.803.1, RSMo (2000) when Respondent offered to enter into, entered into, or

confirmed the execution of, foreign currency commodity contracts and foreign currency commodity options contracts with a Missouri resident, without being exempt or excluded pursuant to Sections 409.803.2 and 409.806 RSMo (2000), when, among other things, Respondent solicited investments in accounts where currency and currency options trading was to occur.

52. This activity constitutes an “offer” or “offer to sell” as that term is defined in Section 409.800(11), RSMo (2000).
53. Respondent offered commodity contracts and commodity option contracts as those terms are defined in Sections 409.800(5) and (9), RSMo (2000).
54. Respondent offered to enter into, entered into, or confirmed the execution of, foreign currency commodity contracts and foreign currency commodity option contracts in violation of Section 409.803(1), RSMo (2000).
55. The actions of Respondent in offering prohibited commodities contracts constitutes an illegal act or practice and, thus, such actions are subject to the Commissioner’s authority under Section 409.823, RSMo (2000).

**Multiple Violations of Engaging in Unregistered and/or Unlicensed  
Commodity Merchant Business**

56. **THE COMMISSIONER FURTHER CONCLUDES** that Respondent violated Section 409.808, RSMo. (2000) when Respondent engaged in the commodity merchant business with, among others, a Missouri resident when, among other things, Respondent failed to register with the Commodity Futures Trading Commission as required to qualify as a registered commodity merchant.
57. This activity constitutes engaging in a trade or business or otherwise acting as a commodity merchant as that term is defined in Section 409.800(8), RSMo (2000).
58. **THE COMMISSIONER FURTHER CONCLUDES** that Respondent violated Section 409.808, RSMo (2000) when Respondent created and maintained a board of trade, or place for the trading of commodity contracts or commodity option contracts required to be traded on or subject to the rules of a contract market designated by the Commodity Futures Trading Commission and which had not been so designated when, among other things, Respondent created a trading platform for the buying or selling of commodities contracts and commodity option contracts.
59. This activity constitutes acting as a board of trade as that term is defined in Section 409.800(2), RSMo (2000).
60. Respondent conducted unregistered commodity merchant business in violation of Sections 409.808.1 and 409.808.2, RSMo (2000).



61. The actions of Respondent in conducting unregistered commodity merchant business constitutes an illegal act or practice and thus such actions are subject to the Commissioner's authority under Section 409.823, RSMo (2000).

#### IV. ORDER

**NOW THEREFORE**, it is hereby ordered that Respondent, its agents, employees and servants, and all other persons participating in or about to participate in the above-described violations with knowledge of this order be prohibited from violating or materially aiding in any violation of:

- A. Section 409.3-301 by offering or selling any securities as defined by Section 409.1-102(28) in the State of Missouri unless those securities are registered with the Securities Division of the Office of the Secretary of State in accordance with the provisions of Section 409.3-301;
- B. Section 409.4-401(a) by transacting business as an unregistered broker-dealer;
- C. Section 409.803, RSMo (2000) by selling or purchasing, or offering to sell or purchase any commodity contract or any commodity option while not being registered with the applicable regulatory bodies; and
- D. Sections 409.808, RSMo (2000) by engaging in the trade or business or otherwise acting as a commodity merchant while not being registered or temporarily licensed with the Commodities Futures Trading Commission.

**IT IS FURTHER ORDERED** that, pursuant to Section 409.6-604, Respondent shall pay a civil penalty in the amount of \$10,000 for multiple violations of Section 409.3-301. This amount shall be made payable to the State of Missouri and paid within 30 days of the date of this Final Order. The Secretary of State shall forward these funds to the state treasury for the benefit of county and township school funds as provided in Article IX, Section 7 of the Constitution of Missouri. This amount shall be sent or delivered to the Missouri Securities Division at 600 West Main Street, P.O. Box 1276, Jefferson City, Missouri 65102.

**IT IS FURTHER ORDERED** that, pursuant to Section 409.6-604(d), Respondent shall pay a civil penalty in the amount of \$10,000 for multiple violations of Section 409.4-401(a). This amount shall be made payable to the State of Missouri and paid within 30 days of the date of this Final Order. The Secretary of State shall forward these funds to the state treasury for the benefit of county and township school funds as provided in Article IX, Section 7 of the Constitution of Missouri. This amount shall be sent or delivered to the Missouri Securities Division at 600 West Main Street, P.O. Box 1276, Jefferson City, Missouri 65102.

**IT IS FURTHER ORDERED** that, pursuant to Section 409.823, RSMo (2000), Respondent shall pay a civil penalty in the amount of \$100,000 for multiple violations of Sections 409.803 and 409.808, RSMo (2000). This amount shall be made payable to the State of Missouri and paid within 30 days from the date of this Final Order. The Secretary of State shall forward these funds to the state treasury for the benefit of county and township school funds as provided in

Article IX, Section 7 of the Constitution of Missouri. This amount shall be sent or delivered to the Missouri Securities Division at 600 West Main Street, P.O. Box 1276, Jefferson City, Missouri 65102.


**IT IS FURTHER ORDERED** that, pursuant to Section 409.6-604(e) Respondent shall pay, \$2,092.44 in actual costs for investigation into, and the proceedings associated with, this matter. This amount shall be made payable to the Investor Education and Protection Fund and sent to the Missouri Securities Division at 600 West Main Street, P.O. Box 1276, Jefferson City, Missouri within 30 days from the date of this Final Order.

**SO ORDERED:**

WITNESS MY HAND AND OFFICIAL SEAL OF MY OFFICE AT JEFFERSON CITY,  
MISSOURI THIS 21st DAY OF APRIL, 2017.



JOHN R. ASHCROFT  
SECRETARY OF STATE

  
DAVID M. MINNICK  
COMMISSIONER OF SECURITIES

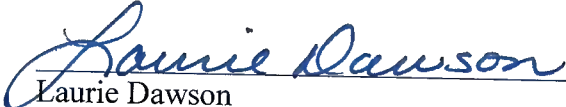
**CERTIFICATE OF SERVICE**

I hereby certify that on this 21st day of April, 2017, a copy of the foregoing Final Order to Cease and Desist and Order Awarding Civil Penalties and Costs in the above styled case was **mailed by Registered U.S. mail to:**

Thunderstruck Investments Limited  
3rd floor, C&H Towers  
Corner of Great Marlborough & Great Georges Street  
Roseau 00152  
Commonwealth of Dominica

**and hand delivered to:**

Saundra J. McDowell  
Director of Enforcement  
Securities Division

  
\_\_\_\_\_  
Laurie Dawson  
Securities Office Manager