

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

Oklahoma Department of Securities)
ex rel. Irving L. Faught,)
Administrator,)
)
Plaintiff,)
)
v.)
)
Timothy P. Hamilton, Jr.)
a/k/a T.J. Hamilton, an individual;)
Timothy P. Hamilton, an individual; and)
Gena C. Hamilton, an individual;)
)
Defendants.)

DEC 20 2013

TIM RHODES
COURT CLERK

30

Case No.

CJ - 2013 - 6974

PETITION FOR PERMANENT INJUNCTION
AND OTHER RELIEF

Plaintiff, Oklahoma Department of Securities, *ex rel.* Irving L. Faught, ("Department"),
for its claims against the above-named Defendants, alleges and states as follows:

OVERVIEW

1. This case involves violations of the Oklahoma Uniform Securities Act of 2004 (the "Act"), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (2011), by Timothy P. Hamilton Jr., Timothy P. Hamilton, and Gena C. Hamilton (collectively, "Defendants"). Specifically, the Department alleges Defendants have offered and sold unregistered securities in violation of Section 1-301 of the Act, failed to register as agents in violation of Section 1-402 of the Act, and/or perpetrated a fraud in connection with the offer, sale or purchase of securities in violation of Section 1-501 of the Act.

JURISDICTION

2. Plaintiff brings this action pursuant to Section 1-603 of the Act and is the proper party to bring this action against Defendants.

3. Pursuant to Sections 1-102 and 1-610 of the Act, Defendants, in connection with their activities in the offer and/or sale of securities in and/or from this state, are subject to the provisions of the Act. By virtue of their activities in this state, as described herein, Defendants are subject to the jurisdiction of this Court and to service of summons within this state and outside of this state.

4. Venue is proper in this county.

DEFENDANTS

5. Timothy P. Hamilton, Jr. ("TJ Hamilton") is an individual and at all times material hereto was an Oklahoma resident. At all times material hereto, TJ Hamilton was the president and chief executive officer of The Clean Athlete LLC and Clean Athlete Nutrition, LLC, was a member of Clean Athlete Nutrition, LLC and was a manager of Complete Athlete Nutrition, LLC. TJ Hamilton offered and/or sold securities in and/or from Oklahoma.

6. Timothy P. Hamilton ("Timothy Hamilton") is an individual and Oklahoma resident. At all times material hereto, Timothy Hamilton was the registered agent for Clean Athlete Nutrition, LLC. He was a managing member of The Clean Athlete LLC, a member of Clean Athlete Nutrition, LLC, and a manager of Complete Athlete Nutrition, LLC. Timothy Hamilton offered and/or sold securities in and/or from Oklahoma.

7. Gena C. Hamilton ("Gena Hamilton") is an individual and Oklahoma resident. At all times material hereto, Gena Hamilton was a managing member of The Clean Athlete LLC, a member of Clean Athlete Nutrition, LLC, and a manager of Complete Athlete Nutrition, LLC.

Gena Hamilton offered and/or sold securities in and/or from Oklahoma.

RELEVANT ENTITIES

8. The Clean Athlete LLC (“Clean Athlete”) was an Oklahoma limited liability company with its principal place of business in Beggs, Oklahoma. At all times material hereto, Clean Athlete issued securities in and/or from Oklahoma as described herein. Clean Athlete received assets that are the proceeds, or are traceable to the proceeds, of the unlawful activities of Defendants, as alleged herein (collectively, “Investor Proceeds”).

9. Clean Athlete Nutrition, LLC (“Clean Athlete Nutrition”) is an Oklahoma limited liability company with its principal place of business in Broken Arrow, Oklahoma. At all times material hereto, Clean Athlete Nutrition issued securities in and/or from Oklahoma as described herein. Clean Athlete Nutrition received Investor Proceeds.

10. Complete Athlete Nutrition, LLC (“Complete Athlete”) is an Oklahoma limited liability company with its principal place of business in Broken Arrow, Oklahoma. At all times material hereto, Complete Athlete issued securities in and/or from Oklahoma as described herein. Complete Athlete received Investor Proceeds.

11. Hamilton Family Holdings , LLC (“Hamilton Family Holdings”) is an Oklahoma limited liability company with its principal place of business in Broken Arrow, Oklahoma. The members of Hamilton Family Holdings are Defendants TJ Hamilton, Timothy Hamilton, and Gena Hamilton. Hamilton Family Holdings received Investor Proceeds.

NATURE OF THE CASE

A. The Clean Athlete Scheme

12. Beginning in 2011, Defendant TJ Hamilton solicited investors (“Clean Athlete Investors”) to fund Clean Athlete, a purported sports apparel and accessories company.

13. In July, 2011, a checking account was opened in the name of Clean Athlete at JP Morgan Chase Bank. Defendants Timothy Hamilton and Gena Hamilton were the signators on the account.

14. In connection with the solicitations of and resulting sales to the Clean Athlete Investors, Defendant TJ Hamilton made false representations including, but not limited to:

- a. that he had received a degree in chemical engineering from the University of Oklahoma;
- b. that he had developed a proprietary fabric that would fight acne, bacteria and odor utilizing precious metals, such as gold, silver, copper, and zinc, and had incorporated the fabric into sports attire and accessories to include chin straps and dri-fit shirts;
- c. that his technology was patented;
- d. that the products were tested in clinical trials and approved for use by various physicians, to include a dermatologist;
- e. that he had established working relationships with several sporting apparel retailers;
- f. that Clean Athlete had contracted with high-profile athletes, including Blake Griffin and Sam Bradford, to endorse its products and to make public appearances on its behalf;
- g. that he was negotiating to sell Clean Athlete to a wealthy family in Las Vegas, Nevada;
- h. that Clean Athlete Investors would receive an ownership interest in Clean Athlete, royalties from company earnings, and/or returns on their investments

of up to 15% per annum (“Clean Athlete Interests”); and

- i. that all Clean Athlete Investor funds would be used for the operations of Clean Athlete.

15. In connection with the offer and/or sale of the Clean Athlete Interests, Defendant TJ Hamilton omitted to state the following:

- a. any general or specific risk factors associated with the Clean Athlete Interests; and
- b. that Clean Athlete Investor funds would be used for the payment of personal expenses of Defendants TJ Hamilton, Timothy Hamilton and/or Gena Hamilton.

16. Defendant TJ Hamilton sold Clean Athlete Interests totaling Two Hundred Forty Thousand Dollars (\$240,000) to at least two Clean Athlete Investors.

B. The Nutritional Supplement Scheme

17. On or about June 25, 2012, Defendants TJ Hamilton, Timothy Hamilton and Gena Hamilton organized Clean Athlete Nutrition, a purported nutritional supplement company. At the same time, a checking account was opened in the name of Clean Athlete Nutrition at JP Morgan Chase Bank. Defendants TJ Hamilton, Timothy Hamilton and Gena Hamilton were the signators on the account.

18. On or about September 24, 2012, Defendants TJ Hamilton, Timothy Hamilton and Gena Hamilton organized Complete Athlete, also a purported nutritional supplement company, to assume the operations of Clean Athlete Nutrition.

19. In October, 2012, a checking account was opened in the name of Complete Athlete at JP Morgan Chase Bank. Defendants TJ Hamilton, Timothy Hamilton and Gena

Hamilton were the signators on the account. All funds from Clean Athlete Nutrition's bank account were transferred into the Complete Athlete account.

20. From June, 2012 to February, 2013, Defendants TJ Hamilton, Timothy Hamilton and Gena Hamilton solicited investors ("CAN Investors") to fund Clean Athlete Nutrition and, subsequently, Complete Athlete (collectively, "CAN").

21. In connection with the solicitations of, and resulting sales to, the CAN Investors, Defendant TJ Hamilton made false representations including, but not limited to:

- a. that CAN Investors would receive a CAN ownership interest; a monthly payment based on a percentage of revenues; and/or a percentage of the proceeds from the sale of the companies ("CAN Interests");
- b. that all CAN Investor funds would go to the development, manufacture and sale of a nutritional supplement containing a unique ingredient, "colloidal gold";
- c. that CAN had an agreement with General Nutrition Center ("GNC") to carry the CAN supplement in seven thousand seven hundred (7,700) GNC stores;
- d. that Defendant TJ Hamilton had national connections to individuals and entities that would make the investments profitable; and
- e. that all CAN Investor funds would be used for the start-up costs of CAN.

22. In connection with the offer and/or sale of the CAN Interests, Defendant TJ Hamilton omitted to state the following:

- a. any general or specific risk factors associated with the CAN Interests; and
- b. that CAN Investor funds would be used for the payment of personal expenses of Defendants TJ Hamilton, Timothy Hamilton and/or Gena Hamilton.

23. Defendants TJ Hamilton, Timothy Hamilton and Gena Hamilton sold the CAN Interests totaling Six Hundred Thousand Dollars (\$600,000) to at least twelve (12) CAN Investors.

C. The Defendants' Deceit

24. The Clean Athlete and CAN Investor funds, totaling in excess of Eight Hundred Thousand Dollars (\$800,000), were deposited to bank accounts under the sole control of the Defendants.

25. Of the funds referenced in Paragraph 24 above, Sixty-Five Thousand Dollars (\$65,000) of CAN Investor funds was deposited into a bank account in the name of Hamilton Family Holdings. The signators on the account were Defendants TJ Hamilton, Timothy Hamilton and Gena Hamilton.

26. Defendants directly spent the majority of the Clean Athlete and CAN Investor funds on personal expenses, such as plane tickets, hotel rooms, websites, automobiles, clothing, restaurants, and expenses to advance Defendant TJ Hamilton's music aspirations.

27. Defendants did not invest or expend the Clean Athlete and/or CAN Investor funds to generate profits or to pay returns to investors.

FIRST CAUSE OF ACTION AGAINST DEFENDANTS

**(Violation of Section 1-301 of the Act;
Offer and/or Sale of Unregistered Securities)**

28. Plaintiff realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 27 above.

29. The Clean Athlete Interests are securities as defined by Section 1-102 of the Act.

30. The CAN Interests are securities as defined by Section 1-102 of the Act.

31. The securities offered and sold by Defendants are not and have not been registered under the Act and the securities have not been offered or sold pursuant to an exemption from registration under Sections 1-201 through 1-203 of the Act.

32. By reason of the foregoing, Defendants have violated, may be violating, and unless enjoined, will continue to violate Section 1-301 of the Act.

SECOND CAUSE OF ACTION AGAINST DEFENDANTS

(Violation of Section 1-402 of the Act; Failure to Register as Agents and Employing Unregistered Agents)

33. Plaintiff realleges and incorporates by reference each and every allegation contained in the preceding cause of action.

34. Clean Athlete, Clean Athlete Nutrition, and Compete Athlete are issuers, as defined in Section 1-102 of the Act.

35. Defendants TJ Hamilton, Timothy Hamilton and Gena Hamilton, by virtue of their efforts and activities in effecting or attempting to effect purchases or sales of the securities of Clean Athlete, Clean Athlete Nutrition, and Complete Athlete, in and/ or from this state, are agents, as defined in Section 1-102 of the Act.

36. Defendants TJ Hamilton, Timothy Hamilton, and Gena Hamilton are not and have not been registered in any capacity under the Act.

37. By reason of the foregoing, Defendants have violated, may be violating, and unless enjoined, will continue to violate Section 1-402 of the Act.

THIRD CAUSE OF ACTION AGAINST DEFENDANTS

(Violation of Section 1-501 of the Act: Untrue Statements of Material Fact and Omissions of Material Fact in Connection With Offer, Sale or Purchase of Securities)

38. Plaintiff realleges and incorporates by reference each and every allegation contained in the preceding causes of action.

39. Defendant TJ Hamilton, in connection with the offer and/or sale of securities, directly and indirectly, made untrue statements of material fact.

40. Defendant TJ Hamilton, in connection with the offer and/or sale of securities, directly and indirectly, 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.

41. By reason of the foregoing, Defendant TJ Hamilton, directly and indirectly, has violated, may be violating, and unless enjoined, will continue to violate Section 1-501 of the Act.

FOURTH CAUSE OF ACTION AGAINST DEFENDANTS

(Violation of Section 1-501 of the Act: Engaging in any Act, Practice, or Course of Business that Operates or Would Operate as a Fraud or Deceit upon any Person)

42. Plaintiff realleges and incorporates by reference each and every allegation contained in the preceding causes of action.

43. Defendant TJ Hamilton, in connection with the offer and/or sale of securities, and through the use of untrue statements of material fact and the omissions of material fact described above, has engaged in an act, practice, or course of business that has operated and continues to operate as a fraud or deceit upon Investors.

44. By reason of the foregoing, Defendant TJ Hamilton, directly and indirectly, has violated, may be violating, and unless enjoined, will continue to violate Section 1-501 of the Act.

PRAYER FOR RELIEF

Defendants have engaged in acts and practices in violation of the Act and have, as a result of these activities, received a substantial amount of money from Investors. Unless enjoined, Defendants will continue to engage in the acts and practices set forth herein and acts and practices of similar purport and object.

WHEREFORE, based upon the foregoing, and pursuant to the authority specifically granted by Section 1-603 of the Act, the Department prays for the Court to grant the following relief:

I.

A permanent injunction enjoining Defendants, their agents, servants, employees, assigns and all those persons, directly or indirectly, acting on their behalf, under their direction and control, and/or in active concert or participation with them, from offering and selling any security in and/or from this state of Oklahoma including, but not limited to, the Clean Athlete and CAN Interests;

II.

An order requiring Defendants to make restitution to any and all Clean Athlete and CAN Investors who purchased securities from Defendants or who transferred money to Defendants for the purpose of purchasing the Clean Athlete and CAN Interests or otherwise making investments on their behalf;

III.

An order requiring Defendants, their agents, servants, employees, assigns, and all those persons, directly or indirectly, acting on their behalf, under their direction and control, and/or in active concert or participation with them, to disgorge all ill-gotten gains;

IV.

An order imposing a civil penalty against Defendants in the amount of Seventy-Five Thousand Dollars (\$75,000.00) each; and

V.

Such other relief as the Court may deem necessary, just and proper in connection with the enforcement of the Act.

Respectfully submitted,

OKLAHOMA DEPARTMENT OF SECURITIES
Irving L. Faught, Administrator

By:



Patricia A. Labarthe, OBA #10391
Jennifer Shaw, OBA #20839
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City, Oklahoma 73102
Telephone (405) 280-7700
Facsimile (405) 280-7742
plabarthe@securities.ok.gov
jshaw@securities.ok.gov



OUR FIRM FILE NUMBER:

Client: OKLAHOMA STATE DEPT. OF SECURITIES

County: Oklahoma

Case Number: CJ-2013-6974

OKLAHOMA DEPARTMENT OF SECURITIES, ET AL. -

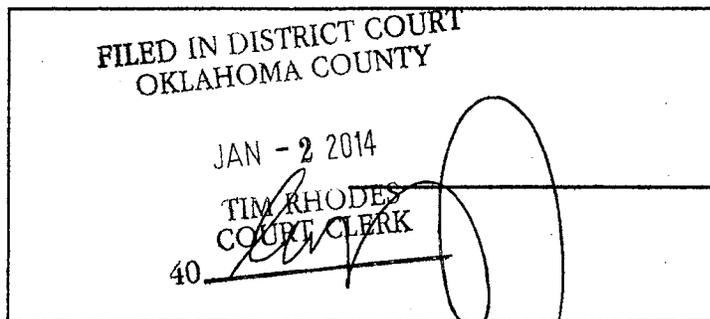
Plaintiff(s)

vs

TIMOTHY P. HAMILTON JR. ET AL. - Defendant(s)

Date Served: 12/28/2013 12:40:00 PM

Served By: BRAD GORDON (PSS-10-10)



County of Origin: Oklahoma

Proof of Service

Case Number: CJ-2013-6974

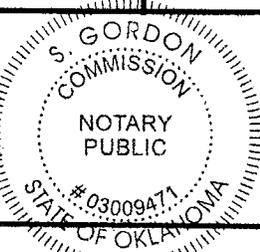
<p>DOCUMENTS SERVED: I, being duly sworn, certify that I received the forgoing, to wit:</p> <p>*Summons with Petition</p>	<p>METHOD OF SERVICE: And served the same according to the law in the following manner, to wit:</p> <p>Corporation/Partnership, Etc. by delivering a true copy of said process to ATTNY KAY BRIDGER-RILEY he/she/it, being the service agent, agent in charge, an officer or partner of said entity, to wit: TIMOTHY P. HAMILTON JR. at 3515 E. 74TH STREET, TULSA, OK 74136. Date and Time: 12/28/2013 12:40:00 PM</p> <p>Other Information:</p>
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Subscribed and sworn to before me this

29 day of 12 13

Brad Gordon Notary Public

Commission Exp. 6-30-15
(SEAL)



Undersigned declares under penalty of perjury that the foregoing is true and correct.

Brad Gordon Name of Server
12-28-13 (date)

(86)

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

Oklahoma Department of Securities)
ex rel. Irving L. Faught,)
Administrator,)
Plaintiff,)
v.)
Timothy P. Hamilton, Jr.)
a/k/a T.J. Hamilton, et al.,)
Defendants.)

Case No. CJ

CJ - 2013 - 6974

Timothy P. Hamilton, Jr.
aka T.J. Hamilton
14805 S. Lewis Ave
Bixby, OK 74008-3628

SUMMONS

To the above-named Defendant:

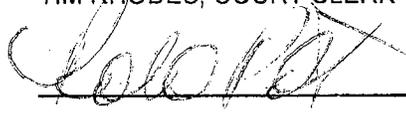
You have been sued by the above-named plaintiff, and you are directed to file a written answer to the attached petition in the court at the above address within twenty (20) days after service of this summons upon you, exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the plaintiff.

Unless you answer the petition within the time stated, judgment will be rendered against you with costs of the action.

Issued this 20th day of December, 2013.

TIM RHODES, COURT CLERK

(Seal)

By: 

Attorneys for Plaintiff

Name: Patricia Labarthe (OBA #10391)
Jennifer Shaw (OBA #20839)
Address: First National Center, Suite 860
120 North Robinson Avenue
Oklahoma City, OK 73102
Telephone: (405) 280-7700

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THE SUMMONS.

12/28/13
12:40 PM

13-7979



OUR FIRM FILE NUMBER:

Client: OKLAHOMA STATE DEPT. OF SECURITIES

County: Oklahoma

Case Number: CJ-2013-6974

OKLAHOMA DEPARTMENT OF SECURITIES, ET AL. -

Plaintiff(s)

vs

TIMOTHY P. HAMILTON JR. ET AL. - Defendant(s)

FILED IN DISTRICT COURT
OKLAHOMA COUNTY
JAN 2 2014
TIM GORDON
COURT CLERK

Date Served: 12/28/2013 12:40:00 PM

Served By: BRAD GORDON (PSS-10-10)

40

County of Origin: Oklahoma

Proof of Service

Case Number: CJ-2013-6974

DOCUMENTS SERVED: I, being duly sworn, certify that I received the forgoing, to wit:

*Summons with Petition

METHOD OF SERVICE:

And served the same according to the law in the following manner, to wit:

Corporation/Partnership, Etc.

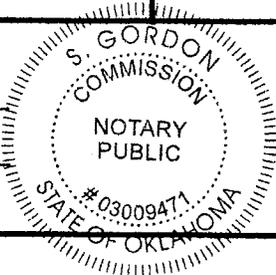
by delivering a true copy of said process to ATTNY KAY BRIDGER-RILEY he/she/it, being the service agent, agent in charge, an officer or partner of said entity, to wit: TIMOTHY P. HAMILTON at 3515 E. 74TH STREET, TULSA, OK 74136. Date and Time: 12/28/2013 12:40:00 PM

Other Information:

Subscribed and sworn to before me this

29 day of 12 13

S. Gordon 6-30-15
Notary Public Commission Exp.
(SEAL)



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Brad Gordon 12-29-13
Name of Server (date)

69

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

Oklahoma Department of Securities)
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Administrator,)
Plaintiff,)
v.)
Timothy P. Hamilton, Jr.)
a/k/a T.J. Hamilton, et al.,)
Defendants.)

Case No. CJ

CJ - 2013 - 6974

Timothy P. Hamilton
14805 S. Lewis Ave
Bixby, OK 74008-3628

SUMMONS

To the above-named Defendant:

You have been sued by the above-named plaintiff, and you are directed to file a written answer to the attached petition in the court at the above address within twenty (20) days after service of this summons upon you, exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the plaintiff.

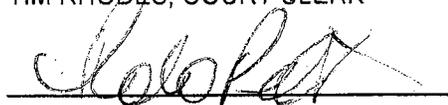
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Issued this 20th day of December, 2013.

TIM RHODES, COURT CLERK

(Seal)

By:



Attorneys for Plaintiff
Name: Patricia Labarthe (OBA #10391)
Jennifer Shaw (OBA #20839)
Address: First National Center, Suite 860
120 North Robinson Avenue
Oklahoma City, OK 73102
Telephone: (405) 280-7700

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12/28/13
12:40pm

13-7940



OUR FIRM FILE NUMBER:

Client: OKLAHOMA BOARD OF NURSING County: Oklahoma

Case Number: CJ-2013-6974

OKLAHOMA DEPARTMENT OF SECURITIES, ET AL. -

Plaintiff(s)

vs

TIMOTHY P. HAMILTON JR. ET AL. - Defendant(s)

FILED IN DISTRICT COURT
OKLAHOMA COUNTY
JAN - 2 2014
TIM RHODES
COURT CLERK
40

Date Served: 12/28/2013 12:40:00 PM

Served By: BRAD GORDON (PSS-10-10)

County of Origin: Oklahoma

Proof of Service

Case Number: CJ-2013-6974

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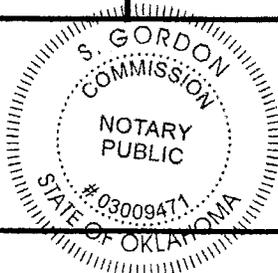
Other Information:

Subscribed and sworn to before me this

29 day of 12 13

S. Gordon 630-15
Notary Public Commission Exp.

(SEAL)



Undersigned declares under penalty of perjury that the foregoing is true and correct.

Brad Gordon 12-29-13
Name of Server (date)

26

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

Oklahoma Department of Securities)
ex rel. Irving L. Faught,)
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Timothy P. Hamilton, Jr.)
a/k/a T.J. Hamilton, et al.,)
Defendants.)

Case No. CJ

CJ - 2013 - 6974

Gena C. Hamilton
14805 S. Lewis Ave
Bixby, OK 74008-3628

SUMMONS

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Unless you answer the petition within the time stated, judgment will be rendered against you with costs of the action.

Issued this 20th day of December, 2013.

TIM RHODES, COURT CLERK

(Seal)

By:



Attorneys for Plaintiff
Name: Patricia Labarthe (OBA #10391)
Jennifer Shaw (OBA #20839)
Address: First National Center, Suite 860
120 North Robinson Avenue
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12/28/13
12:40pm

13-7941