

STATE OF INDIANA ) IN THE HAMILTON \_\_\_\_\_ COURT  
 ) SS:  
COUNTY OF HAMILTON ) CAUSE NO: \_\_\_\_\_

STATE OF INDIANA, *ex rel.*, )  
MARIE CASTETTER, )  
INDIANA SECURITIES )  
COMMISSIONER, )

Plaintiff, )

v. )

DARRIN W. BLAINE, )  
ALLEN R. GEIGER, )  
MARGUERITE KIMBALL-KING, )  
AKAMAI PHYSICS INC., and )  
PORRIMA PHOTONIX, INC., )

Defendants. )

**INDIANA SECURITIES COMMISSIONER’S VERIFIED COMPLAINT  
FOR A PRELIMINARY AND PERMANENT INJUNCTION AND THE  
APPOINTMENT OF A RECEIVER**

The State of Indiana, *ex rel.*, Marie Castetter, Indiana Securities Commissioner, pursuant to Ind. Code § 23-19-6-3, hereby seeks preliminary and permanent injunctive relief, restraining and enjoining the Defendants and persons acting in concert with them from offering and selling securities in violation of the Indiana Uniform Securities Act, Ind. Code § 23-19-1 *et seq.* The Commissioner also seeks an order from this court freezing any and all assets under the ownership, direction, custody, or control of the Defendants until all assets have been properly accounted for. In addition, Plaintiff moves for the appointment of a receiver or conservator to search, recover, and account for all of the Defendants’ assets derived

from investor funds or otherwise subject to the continuing jurisdiction, direction, and supervision of this court. In support of this complaint, Plaintiff states the following:

**I. NATURE OF THE CASE**

1. Plaintiff believes that the Defendants have engaged in, and continue to engage in multiple acts, practices, or courses of business in violation of the following provisions of the Indiana Uniform Securities Act:

- a. Defendants sold securities in Indiana as broker-dealers despite not being registered under Ind. Code 23-19-4 *et seq* and not being subject to an exemption.
- b. Defendants did not register the securities they were selling as required by Ind. Code § 23-19-3-1.
- c. Defendants, directly or indirectly, employed a device, scheme, or artifice to defraud, and made untrue statements of material facts or omitted to state a material fact necessary in order to make the statements not misleading, or engaged in an act, practice, or course of business that operates as a fraud or deceit upon another person in connection with the offer, sale, or purchase of a security, in violation of Ind. Code § 23-19-5-1.

2. Defendants have engaged in acts, practices or courses of business that violate the Indiana Uniform Securities Act. Under Indiana law, Plaintiff has the power to maintain an action in this Court to enjoin the act, practice, or course of

business and to enforce compliance with the Act, or a rule adopted, or order issued under the Act. Ind. Code § 23-19-6-3(a).

3. In an action under Ind. Code § 23-19-6-3 and on a proper showing, this Court may issue a permanent or temporary injunction and order other appropriate relief which may include an asset freeze and ordering a receiver or conservator appointment. Ind. Code § 23-19-6-3(b). Defendants' actions show they have and will continue to illegally divert investor funds without their clients' knowledge or consent without a permanent injunction.

## **II. PARTIES**

4. The Petitioner, Marie Castetter, is the duly appointed Indiana Securities Commissioner of the State of Indiana. The Commissioner directs the Securities Division of the Indiana Secretary of State's Office and is charged with administering and enforcing the Indiana Uniform Securities Act. The Act specifically empowers the Commissioner to conduct investigations to determine whether a person has violated or is about to violate the Act, issue appropriate orders, bring an action in the name and on behalf of the State of Indiana against the person or persons violating the Act and, in addition to all other remedies, obtain injunctive relief and the appointment of a receiver or conservator.

5. Defendant Darrin W. Blaine is a resident of Hamilton County. He is an attorney licensed to practice law in the State of Indiana. He is the Chief Legal Officer of both Akamai Physics Inc. ("API") and Porrima Photonix, Inc. ("PPI"), as well as the Chairman of Laser Tech Investment Club ("LTIC"). Defendant Blaine is not

registered to sell securities in the State of Indiana. The security he sold was also not registered in Indiana. Despite this, Defendant Blaine sold securities in the State of Indiana and profited from those sales.

6. Defendant Allen R. Geiger is a resident of Las Cruces, New Mexico. He is the Chief Executive Officer of API and PPI. The security sold by API was not registered in Indiana. Defendant Geiger profited from the sale of the unregistered security.

7. Defendant Marguerite Kimball-King is a resident of Las Cruces, New Mexico. She is the Chief Financial Officer of API and PPI. Defendant King profited from the sale of the unregistered security that was sold by API.

8. Defendant Akamai Physics Inc. is a corporation whose principal place of business is 1725 Marquess Street, Las Cruces, New Mexico. Defendant Geiger incorporated API on or about December 18, 2001. According to the company website, API is a company involved in laser systems development.

9. Defendant Porrima Photonix, Inc. is a corporation whose principal place of business is also 1725 Marquess Street, Las Cruces, New Mexico. Defendant Geiger is the president and a director. Defendant King is also listed as a director. According to a form D filed with the U.S. Securities and Exchange Commission on November 17, 2020, pursuant to Rule 506(b), PPI provides “Environmental Services.”

10. This Court has personal jurisdiction over Defendants pursuant to Indiana Rules of Trial Procedure 4.4(A)(1), and (6).

### **III. VENUE**

11. Defendant Blaine is a resident of Hamilton County.

12. Venue is proper in Hamilton County as the Defendants violated the Uniform Securities Act in Hamilton County.

13. The Commissioner may bring this action in any county where a violation occurred.

### **IV. BACKGROUND**

14. This section incorporates by reference all preceding sections and paragraphs.

15. Defendants Blaine, Geiger, and King are all C-Suite executives of API and PPI.

16. Just before API filed for Chapter 11 bankruptcy, PPI was created and all technology of API was placed under PPI, shielding it from API investor's lawsuits.

17. Defendant Blaine is also the Chairman of the Laser Tech Investment Club, which was created to draw new investors to API and, subsequently, PPI.

18. The scheme was to create the LTIC and sell it a \$1,000,000 promissory note from API.

19. Defendant Blaine was not registered to sell securities in Indiana. The security itself was also not registered in Indiana.

20. Defendant Blaine did not pool \$1,000,000 from LTIC investors and purchase the promissory note. Rather, as he conned each investor, they wired their

investment directly to API, PPI, or Defendant Blaine personally. Thus, many securities were sold.

21. Securities fraud occurred by intentionally omitting the disclosure of bankruptcy to new investors and by using portions of the invested money to pay for personal loans, previous investors, and kickbacks for leadership of API and PPI.

22. It is estimated that eight Indiana investors lost approximately \$680,000 entrusted to Defendant Blaine as part of his securities fraud scheme.

23. Upon information and belief, the Defendants converted investor funds for their personal use.

## **V. VIOLATIONS**

### **Count One**

24. This section incorporates by reference all preceding sections and paragraphs.

25. It is unlawful for any person to offer or sell any security in Indiana unless the person is registered with the State as a broker-dealer or is exempt under Ind. Code § 23-19-4-1.

26. None of the Defendants were registered as broker-dealers or fell under any exemption.

### **Count Two**

27. This section incorporates by reference all preceding sections and paragraphs.

28. It is unlawful for any person to offer or sell any security in Indiana unless the security is registered with the State, the security is a federal covered security or the security, transaction, or offer is exempted from registration under I.C. 23-192-1 through I.C. 23-19-2-3. Ind. Code § 23-19-3-1.

29. The securities sold by the Defendants were not registered in Indiana, were not federally covered securities, and did not fall under any exemption.

### Count Three

30. This section incorporates by reference all preceding sections and paragraphs.

31. It is unlawful for a person, in connection with the offer, sale, or purchase of a security, directly or indirectly, to employ a device, scheme, or artifice to defraud, or to make an untrue statement of a material fact or to omit to state a material fact necessary in order to make the statement not misleading, or to engage in an act, practice, or course of business that operates or would operate as a fraud or deceit upon another person. Ind. Code § 23-19-5-1.

32. The Defendants solicited investors for their Ponzi Scheme by both lying directly about API and PPI's contractual agreements and intentionally omitting material facts, such as the fact that API had filed for bankruptcy, in order to garner more investments.

33. The Defendants provided materials and conducted presentations to create a façade of legitimacy.

34. Further, Defendant Blaine utilized his position as an attorney and his attendance of Harvard Law School to create trust between the Defendants and their Hoosier investors.

## **VI. RELIEF REQUESTED**

35. Pursuant to Ind. Code § 23-19-6-3, upon a proper showing by the Commissioner, the Court may order all such relief that it considers appropriate. Further, upon a proper showing by the Commissioner, the Court may issue all necessary permanent or temporary injunctions, restraining orders, declaratory judgments, and other appropriate forms of relief, namely asset freezes, accounting, and the appointment of a receiver or conservator.

36. The Commissioner requests that this Court enter an order that immediately and permanently enjoins the Defendants and any person connected or associated with or employed by the Defendants from spending, transferring, placing, or agreeing to place, a lien, mortgage, or encumbrance on any property or account that has directly or indirectly received an economic benefit derived from investor funds.

37. The Commissioner requests this Court enter an order appointing a receiver of all assets, including all financial accounts, held by or under the control of the Defendants, including but not limited to business activities, business premises, books, records, computer data, and all monies and other funds collected from investors.

38. The Commissioner requests this Court enter an order freezing any and all assets, including all financial accounts, under the ownership, direction, custody, or control of the Defendants until investor proceeds have been accounted for, subject to the continuing jurisdiction, direction, and supervision of this Court.

39. The Commissioner requests this Court enter an order enjoining the Defendants and any persons connected or associated with or employed by the Defendants from altering, manipulating, changing, destroying, or tampering with any of the records or data concerning the sale of the investments or other forms of securities that were issued or sold and all business records needed for an accounting of funds.

40. The Commissioner requests this Court enter an order determining that the Defendants are constructive trustees, resulting trustees, or actual trustees of trust funds, monies, and other things of value entrusted or delivered to the Defendants and the proceeds and reinvestments thereof, and requiring the Defendants to make a full accounting of the Defendants' acts and conduct, of all monies and assets received, and of all transfers, uses, reinvestments, and dispositions of monies and assets, and of any monies and assets still owned or held by the Defendants or their agents, nominees, co-conspirators, or depositories or in their possession or under their direction or control.

41. The Commissioner requests this Court enter an order for disgorgement, restitution, rescission, and other equitable relief against the Defendants in such

amounts as may be determined upon presentation and proof and upon receipt of the accountings requested in paragraph 38 above.

42. The Commissioner requests this Court enter an order preliminarily and permanently enjoining the Defendants and persons connected or associated with, employed by, or acting in concert with them, from offering or selling any securities in violation of the Indiana Uniform Securities Act.

43. The Commissioner requests this Court provide any other relief requested by the Commissioner consistent with Indiana Code § 23-19-6-3.

**WHEREFORE**, the Commissioner respectfully requests this Court:

1. Take jurisdiction of this action;
2. Set this matter for hearing;
3. Enter an emergency temporary restraining order;
4. Order that all of the Defendants' assets shall be frozen, pending further hearing, to prevent the illegal transfer of client funds;
5. Enter a preliminary and permanent injunction;
6. Issue all other requested orders consistent with Indiana Code § 23-19-6-3 and the duties of the Receiver; and,
7. Provide any equitable relief, and all other relief, that the Court deems appropriate.

**VERIFICATION**

I hereby affirm under the penalties of perjury that the foregoing representations are true and accurate to the best of my knowledge.

/s/ Marie Castetter  
Marie Castetter  
Securities Commissioner  
Securities Division

Respectfully submitted,

THEODORE E. ROKITA  
Attorney General of Indiana  
Attorney No. 18857-49

Date: October 12, 2023

By: /s/ Blake T. Erickson  
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