

**BEFORE THE ARKANSAS SECURITIES COMMISSIONER  
CASE NO. S-11-0234**

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ARKANSAS SECURITIES DEPT.

**IN THE MATTER OF:**

**Order No. S-11-0234-11-OR01**

**NYTEX Energy Holdings, Inc.**

**RESPONDENT**

**CONSENT ORDER**

This Consent Order is entered pursuant to the Arkansas Securities Act, codified at Ark. Code Ann. §§ 23-42-101 through 23-42-509 (“Act”), the Rules of the Arkansas Securities Commissioner (“Rules”) promulgated under the Act and the Arkansas Administrative Procedures Act, codified at Ark. Code Ann. §§ 25-15-201 through 25-15-219 in accordance with an agreement by and between the Staff of the Arkansas Securities Department (“Staff”) and NYTEX Energy Holdings, Inc. (“NYTEX Energy”) in full and final settlement of all claims that could be brought against NYTEX Energy by the Staff on the basis of the facts set forth herein.

NYTEX Energy admits the jurisdiction of the Act and the Arkansas Securities Commissioner (“Commissioner”), waives its right to a formal hearing, consents to the entry of this order, and agrees to abide by its terms. NYTEX Energy also agrees that entry of this order has no impact on its civil liability to Arkansas investors under Ark. Code Ann. § 23-42-106 for the violations detailed below.

**FINDINGS OF FACT**

1. On or about December 29, 2008, agents or employees of NYTEX Energy made sales of securities in a NYTEX Energy offering to an Arkansas resident.

2. On or about January 3, 2011, NYTEX Energy filed a Notice of Sale of Securities on United States Securities and Exchange Commission ("SEC") Form D with the Arkansas Securities Department ("Department"). As part of this notice filing the Department received a \$100.00 filing fee from NYTEX Energy.

3. In violation of Ark. Code Ann. § 23-42-509(c)(1) and Rule 509.01(B)(2) of the Rules of the Arkansas Securities Commissioner, NYTEX Energy failed to file the Notice of Sale of Securities on SEC Form D with the Department concerning the sale of securities in Arkansas within the required fifteen days.

#### **CONCLUSIONS OF LAW**

4. NYTEX Energy's filing of the Notice of Sale of Securities on SEC Form D with the Department approximately two years after the sale of securities in the NYTEX Energy offering to an Arkansas resident as detailed in paragraphs 1-3 is a violation of Ark. Code Ann. § 23-42-509(c)(1) and Rule 509.01(B)(2) of the Rules.

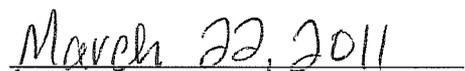
5. Entry of this Order does not affect the civil liability of NYTEX Energy under Ark. Code Ann. § 23-42-106 for Arkansas investors in the NYTEX Energy offerings.

#### **ORDER**

IT IS THEREFORE ORDERED that NYTEX Energy pay a fine in the amount of \$500.00.



A. Heath Abshure  
Arkansas Securities Commissioner

  
Date

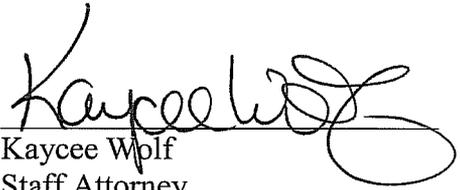


NYPEX Energy Holdings, Inc.

By: Michael Galvis

Title: President + CEO

Date: 3/21/11



Kaycee Wolf  
Staff Attorney