



STATE OF MISSOURI
OFFICE OF SECRETARY OF STATE

IN THE MATTER OF:)
)
ECKMAN WEALTH MANAGEMENT, LLC,)
CRD #159934;) Case No. AP-15-33
DARYL D. ECKMAN, CRD #1614453; and)
EDWARD H. PRINCE, CRD #4647442,)
)
Respondents.)

CONSENT ORDER

SUMMARY OF ENFORCEMENT SECTION’S ALLEGATIONS

1. The Missouri Securities Division of the Office of Secretary of State (“Division”), through Assistant Commissioner Mary S. Hosmer, has alleged that Eckman Wealth Management, LLC (“EWM”) transacted business as an investment adviser in the State of Missouri without being registered or exempt from registration and that the firm employed or associated with two unregistered investment adviser representatives in violation of Section 409.4-403(a) and (d), RSMo. (Cum. Supp. 2013)¹, and, that these unregistered investment adviser representatives, Daryl D. Eckman (“Eckman”) and Edward H. Prince (“Prince”) transacted business in Missouri in violation of Section 409.4-404(a) , and that these activities constitute grounds to issue an order pursuant to Section 409.6-604.
2. Respondents and the Division desire to settle the allegations and the matters raised by the Division relating to the Respondents’ alleged violations of Sections 409.4-403, and 409.4-404.

CONSENT TO JURISDICTION

3. Respondents and the Division stipulate and agree that the Missouri Commissioner of Securities (“Commissioner”) has jurisdiction over Respondents and these matters pursuant to the Missouri Securities Act of 2003, Chapter 409, *et seq.*

¹ Unless otherwise noted, all statutory references are to the 2013 cumulative supplement to the Revised Statutes of Missouri.

4. Respondents and the Division stipulate and agree that the Commissioner has authority to enter this Order pursuant to Section 409.6-604(h), which provides:

“The commissioner is authorized to issue administrative consent orders in the settlement of any proceeding in the public interest under this act.”

WAIVER AND EXCEPTION

5. Respondents waive Respondents’ rights to a hearing with respect to this matter.
6. Respondents waive any rights that Respondents may have to seek judicial review or otherwise challenge or contest the terms and conditions of this Order. Respondents specifically forever release and hold harmless the Missouri Office of Secretary of State, Secretary of State, Commissioner, and their respective representatives and agents from any and all liability and claims arising out of, pertaining to, or relating to this matter.
7. Respondents stipulate and agree with the Division that, should the facts contained herein prove to be false or incomplete, the Division reserves the right to pursue any and all legal or administrative remedies at its disposal.

CONSENT TO COMMISSIONER’S ORDER

8. Respondents and the Division stipulate and agree to the issuance of this Consent Order without further proceedings in this matter, agreeing to be fully bound by the terms and conditions specified herein.
9. Respondents agree not to take any action or to make or permit to be made any public statement creating the impression that this Order is without factual basis. Nothing in this paragraph affects Respondents’ (a) testimonial obligations; (b) right to take legal or factual positions in other legal proceedings in which the Commissioner is not a party; or (c) right to make public statements that are factual.
10. Respondents agree that Respondents are not the prevailing party in this action since the parties have reached a good faith settlement.
11. Respondents neither admit nor deny the allegations made by the Division, but consent to the Commissioner’s Findings of Fact, Conclusions of Law, and Order as set forth below solely for the purposes of resolving this proceeding and any proceeding that may be brought to enforce the terms of this Consent Order.

COMMISSIONER'S FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER

I. FINDINGS OF FACT

12. EWM is a Kansas limited liability company formed on November 25, 2011, with an address of 4800 Rainbow Boulevard, Suite 101, Westwood, Kansas, 66205. Its registered agent is Jeffrey D. Zimmerman with an address of 5819 Nieman, Shawnee, Kansas 66203.
13. EWM has been a Missouri-registered investment adviser since August 7, 2015, with a home office address of 4800 Rainbow Boulevard, suite 101, Westwood, Kansas 66205. EWM is registered through the Central Registration Depository System ("CRD") with number 159934.
14. Eckman is the direct owner and an investment adviser representative of EWM and is registered through the CRD with number 1614453. Eckman's mailing address is 18003 East Courtney Atherton Road, Independence, Missouri 64058.
15. Prince is an investment adviser representative of EWM and has been registered in Missouri through the CRD since August 7, 2015, with number 4647442. Prince's mailing address is 11504 South Oakview Drive, Olathe, Kansas 66062.
16. On March 20, 2014, EWM sent an application to register as an investment adviser in Missouri along with accompanying fees and documentation. EWM's application was approved effective August 7, 2015.
17. On March 17, 2015, Eckman filed an application to register as an investment adviser representative in Missouri, along with the fees and partial documentation. Eckman's registration is currently deficient, and Eckman has not been registered in Missouri to date.
18. On May 11, 2015, Prince filed an application to register as an investment adviser representative in Missouri, along with the accompanying fees and documentation. Prince was approved for registration on August 7, 2015.
19. An examination of these applications revealed that:
 - a. EWM had transacted business in Missouri as an unregistered investment adviser for more than five clients since May 13, 2014;
 - b. Eckman had transacted business in Missouri as an unregistered investment adviser representative for more than five clients on behalf of EWM since May 13, 2014;

- c. Prince had transacted business in Missouri as an unregistered investment adviser representative for more than five clients on behalf of EWM since May 13, 2014; and
 - d. Prince had failed to report on his application a \$2,145 Kansas state tax lien that was filed October 29, 2013, in the Johnson County District Court. The lien was satisfied on January 6, 2014 and later formally released on May 22, 2014.
20. EWM self-reported to the Division that the firm had eclipsed the applicable *de minimis* client exemptions and otherwise fully cooperated in the Division's examination of the same.
 21. Prior to the date of this Order, EWM engaged the services of an investment adviser compliance consultant to assist EWM with registration and disclosure compliance. That compliance consultant has been specifically engaged to, among other things, assist EWM with enhancing its processes for hiring new investment adviser representatives and for conducting periodic reviews of public records for issues or events that may need to be disclosed on the Uniform Application for Securities Industry Registration or Transfer ("Form U4") for EWM's representatives.

II. CONCLUSIONS OF LAW

22. The Commissioner concludes that Respondent EWM transacted business as an unregistered investment adviser and employed unregistered investment adviser representatives in this state in violation of Section 409.4-403(a) and (d), and that Eckman and Prince transacted business as unregistered investment adviser representatives in this state in violation of Section 409.4-404(a). Respondents' violations constitute grounds to issue an order pursuant to Section 409.6-604.
23. The Commissioner, after consideration of the stipulations set forth above and on consent of the Respondents and the Division, finds and concludes that the Commissioner has jurisdiction over Respondents in this matter and that the following order is in the public interest, necessary for the protection of public investors, and consistent with the purposes intended by Chapter 409.

III. ORDER

NOW, THEREFORE, it is hereby Ordered that:

1. Respondent EWM, its agents, employees and servants, and all other persons participating in the above-described violations with knowledge of this order are permanently enjoined and restrained from violating Section 409.4-403(a) and (d);
2. Respondents Eckman and Prince, their agents, employees and servants, and all other persons participating in the above-described violations with knowledge of this order are permanently enjoined and restrained from violating Section 409.4-404(a);

3. Respondent EWM is ordered to pay \$4,000 to the Investor Education and Protection Fund for violations of the Missouri Securities Act. The payment shall be sent to the Securities Division at 600 W. Main Street, Jefferson City, Missouri 65101, and shall be payable to the Missouri Secretary of State's Investor Education and Protection Fund. The Division will send the money to the Missouri Secretary of State's Investor Education and Protection Fund. The payment under this paragraph 3 shall be made within ninety (90) days of the date of this Consent Order;
4. Respondents Eckman and Prince are ordered to each pay \$5,000 to the Investor Education and Protection Fund for violations of the Missouri Securities Act. These payments shall be suspended, provided Respondents Eckman and Prince comply with the terms of this Consent Order and do not violate the Missouri Securities Act for a period of two years from the date of this Consent Order;
5. Upon Respondent Eckman's or Prince's failure to comply with the terms of this Consent Order, the suspended payment in paragraph 4 as to the non-complying party shall become immediately payable under operation of law, and such immediately due payment shall be in addition to all other penalties then available under the law. The Commissioner may take all available actions to enforce this Consent Order. Upon Respondent Eckman's and Respondent Prince's satisfaction of the terms referenced above and Respondent Eckman's and Respondent Prince's compliance with the terms of this Consent Order for a period of two years from the date of this Consent Order, the suspended payments in paragraph 4 shall be fully waived;
6. The Commissioner may refer this matter for enforcement as provided in Sections 409.6-603 and 409.6-604; and
7. Respondents shall pay their own costs and attorneys' fees with respect to this matter.

SO ORDERED:

WITNESS MY HAND AND OFFICIAL SEAL OF MY OFFICE AT JEFFERSON CITY,
MISSOURI THIS 16 DAY OF December, 2015.



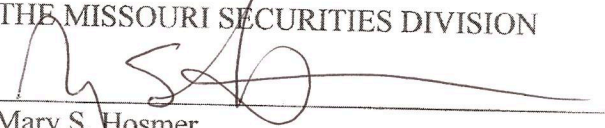
JASON KANDER
SECRETARY OF STATE

Andrew M. Hartnett

ANDREW M. HARTNETT
COMMISSIONER OF SECURITIES

Consented to by:

THE MISSOURI SECURITIES DIVISION



Mary S. Hosmer
Assistant Commissioner


RESPONDENTS

Eckman Wealth Management, LLC

By: 

Name: DARYL ECKMAN

Title: PRESIDENT



Daryl D. Eckman



Edward H. Prince