



STATE OF MISSOURI
OFFICE OF SECRETARY OF STATE

IN THE MATTER OF:)
)
LANDMARK FINANCIAL PLANNING, LLC,)
CRD No. 147878; and) Case No. AP-16-34
BRANT JEREMY DONIS, CRD No. 5259554,)
)
Respondents.)

CONSENT ORDER

SUMMARY OF ENFORCEMENT SECTION'S ALLEGATIONS

1. The Enforcement Section of the Missouri Securities Division of the Office of Secretary of State ("Enforcement Section"), through Enforcement Counsel Scott Snipkie, has alleged that Landmark Financial Planning, LLC, and Brant Jeremy Donis (hereinafter collectively referred to as "Respondents"), failed promptly to update and correct various ADV and U4 filings, and Landmark Financial Planning, LLC, failed to maintain proper books and records, in violation of Sections 409.4-406(b) and 409.4-411(c)(1), RSMo (Cum. Supp. 2013)¹, and that this constitutes grounds to issue an order pursuant to Section 409.6-604.
2. Respondents and the Enforcement Section desire to settle the allegations and the matters raised by the Enforcement Section relating to the Respondents' alleged violations of Sections 409.4-406 and 409.4-411, as well as those other items alleged and stated in the Order to Cease and Desist and Order To Show Cause Why Respondents Should not be Censured, and Why Civil Penalties and Other Administrative Relief Should not be Imposed, issued by the Commissioner on September 2, 2016, in this same matter.

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

CONSENT TO JURISDICTION

3. Respondents and the Enforcement Section stipulate and agree that the Missouri Commissioner of Securities (“Commissioner”) has jurisdiction over the Respondent and these matters pursuant to the Missouri Securities Act of 2003, Chapter 409, *et seq.*
4. Respondents and the Enforcement Section 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 Enforcement Section that, should the facts contained herein prove to be false or incomplete in a material way, the Enforcement Section reserves the right to pursue any and all legal or administrative remedies at its disposal.

CONSENT TO COMMISSIONER’S ORDER

8. Respondents and the Enforcement Section 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 connection with litigation, arbitration, or other legal proceeding 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 Enforcement Section, 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

A. Respondents and Related Parties

12. Landmark Financial Planning, LLC (“Landmark”) is a Missouri-registered investment adviser with an effective registration date of October 8, 2008. Landmark is located at 7305 Manchester Road, Suite C2, St. Louis, Missouri 63143, and is registered in Missouri through the Central Registration Depository (“CRD”) with number 147878. Brant Jeremy Donis (“Donis”) is listed as Landmark’s founding principal in CRD.
13. Donis has been a Missouri-registered investment adviser representative through Landmark since October 8, 2008, and Donis is registered in Missouri through the CRD with number 5259554. Filings with the Secretary of State indicate that Donis is the organizer and registered agent of Landmark. Donis’ office address is 7305 Manchester Road, Suite C2, St. Louis, Missouri 63143; his residential address is 2517 Pocahontas Place, St. Louis, Missouri 64144.

B. Examinations and Registrations Section Exam

Examination of Landmark

14. On April 16, 2015, members of the Examinations Section of the Missouri Securities Division of the Office of the Secretary of State (“Exams Staff”) contacted and e-mailed Donis to confirm a desk examination of the books and records of Landmark and schedule a telephone interview of Donis as part of that examination.
15. Between September 9, 2015 and December 31, 2015, Landmark and Donis responded to the Exams Staff’s requests with a rolling submission of documents.
16. On December 31, 2015, the Exams Staff sent Donis and Landmark a deficiency letter (“Deficiency Letter”) outlining concerns and deficiencies related to Landmark’s financial statements, the accuracy of Landmark’s Form ADV Parts 1 and 2, information on Landmark’s website, and Donis’ Form U4.
17. The Exams Section requested that Donis provide documents by January 12, 2016, responsive to those concerns and deficiencies, and in February 2016, Landmark and Donis provided to the Exams Staff a partial response to the same.

18. Between February and July 2016, the Exams Staff sought full responses to its production requests from Landmark and Donis.
19. Donis worked outside Missouri, leading to his frequent and ongoing absence from the state, beginning in August 2014 and continuing through September 2016.
20. Through August 2016, neither Donis nor Landmark had provided all of the records requested by the Exams Staff as part of the books and records examination of Landmark, and certain deficiencies in the ADV, website and U4 records of Donis and Landmark remained.
21. On August 30, 2016, the Enforcement Section filed a Petition For Order To Cease And Desist And Order To Show Cause Why Censure, Conditions On The Registrations of Respondents, Civil Penalties And Costs Should Not Be Imposed with the Commissioner.
22. On September 2, 2016, the Commissioner entered an Order To Cease And Desist in this matter.
23. Following the Respondents' receipt of the September 2, 2016 Order, they immediately commenced efforts to bring the firm's Form ADV and Donis' Form U4 up-to-date, and to address deficiencies related to the firm's website.
24. On September 14, 2016, Landmark and Donis filed a Motion Seeking Extension of Time to Request a Hearing on and File Respondents' Answer to the above Order with the Commissioner.

II. CONCLUSIONS OF LAW

25. The Commissioner finds that Respondent Landmark failed promptly to update and correct various ADV and U4 filings, and Respondents Donis and Landmark failed to maintain proper books and records, in violation of Sections 409.4-406(b) and 409.4-411(c)(1), and that this constitutes grounds to issue an order pursuant to Section 409.6-604.
26. The Commissioner, after consideration of the stipulations set forth above and on the consent of Respondents and the Enforcement Section, finds and concludes that the Commissioner has jurisdiction over Respondents and 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. Respondents, 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 failing promptly to update and correct ADV and U4 filings and failing to maintain proper books and records, in violation of Sections 409.4-406 and 409.4-411;
2. Respondents' registrations are hereby CENSURED;
3. Respondents shall, within 30 days of the date of this Consent Order:
 - a. submit all requested records to the Exams Staff related to the Landmark exam as noted in the December 31, 2015 deficiency letter and still outstanding;
 - b. make all necessary updates to Landmark's Form ADV as noted in the Exams Staff correspondence dated April 1, 2016 and still appropriate and applicable;
 - c. make all necessary updates to the Landmark website as noted in the Exams Staff correspondence dated April 1, 2016, and still appropriate and applicable; and
 - d. make all necessary updates to the Donis U4, including outside business activities, as noted in the Exams Staff correspondence dated April 1, 2016, and still appropriate and applicable.
4. Within 90 days of the date of this Consent Order, Landmark will engage an independent compliance consultant, not objectionable to the Commissioner, to review Landmark policies and procedures related to compliance, including, without limitation, financial documents, Form ADV requirements and website communication requirements. The consultant will provide a report to Landmark of its findings and recommendations within one year of the date of its engagement;
5. Landmark will provide to the Enforcement Section copies of all reports prepared by the consultant. The Enforcement Section may speak with the consultant at any time during the period that the consultant is retained by Respondents, and any costs and/or fees associated with the Enforcement Section's speaking with the consultant shall be borne by the Enforcement Section;
6. Respondents will promptly adopt and implement the processes, procedures and practices recommended by the consultant; however, Respondents may propose alternative procedures ("Alternative Procedures") designed to achieve the same objective or purpose as those that were recommended by the consultant. Respondents may adopt the Alternative Procedures if the consultant agrees that Respondents' proposed procedures will achieve the same objectives or purposes as the consultant's original recommendations. In the event that Respondents and the consultant disagree regarding any recommendation by the consultant, Respondents shall have 30 days to appeal such recommendation to the Commissioner and shall be bound by the decision of the Commissioner;

7. Respondents will make available upon request by the Enforcement Section all written communications between Respondents and the consultant, other than those protected by any applicable privilege or other confidentiality protection, none of which are waived by the Respondents, as well as all documents that the consultant has advised Respondents in writing that the consultant reviewed or relied upon in connection with this engagement;
8. For a period of 2 years following the conclusion of the consultant's work, Respondents may not employ or hire the consultant in any capacity;
9. Landmark and Donis will enter into a 2-year heightened supervision plan with the Division, which will include: (a) acknowledgement of a regulatory examination of Landmark within 12-18 months from the date of this Consent Order; (b) notification to the Division of any customer complaints or regulatory investigations; and (c) immediate notification of any changes in outside business activities;
10. Respondents are ordered to pay, jointly and severally, one thousand dollars (\$1,000) to the Investor Education and Protection Fund. Due commencing March 1, 2017 shall be one hundred dollars (\$100), and the remaining balance shall be paid in installments of one hundred dollars (\$100) on the first of each proceeding month with the last payment due December 1, 2017. Such payments 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;
11. Respondents are ordered to pay an additional nine thousand dollars (\$9,000) to the Investor Education and Protection Fund. This payment shall be suspended for two (2) years, but, along with any unpaid portions of payments in Paragraph 10 above, shall become due immediately upon the sooner of (1) Respondents' noncompliance with the terms of this Consent Order, or (2) a finding, after notice and opportunity for a hearing, by the Commissioner or a court of competent jurisdiction that Respondents have violated the Missouri Securities Act. Such immediately due payments shall be in addition to all other penalties then available under the law. If, after two (2) years from the date of this Consent Order, neither of those conditions has occurred, the Commissioner waives Respondents' payment of the remaining amount; and,
12. All charges relating to violations of 409.4-412(d)(2) and 409.4-412(d)(8) against either Respondent, as set out in the Order issued by the Commissioner on September 2, 2016, are explicitly vacated and will not be pursued by the Commissioner.

SO ORDERED:

WITNESS MY HAND AND OFFICIAL SEAL OF MY OFFICE AT JEFFERSON CITY,
MISSOURI THIS SECOND DAY OF DECEMBER, 2016.



JASON KANDER
SECRETARY OF STATE

Andrew M. Hartnett

ANDREW M. HARTNETT
COMMISSIONER OF SECURITIES

Consented to by:

THE ENFORCEMENT SECTION OF THE
MISSOURI SECURITIES DIVISION

[Signature]

Scott Shipkie
Enforcement Counsel

RESPONDENTS:

Brant Jeremy Donis
Brant Jeremy Donis

LANDMARK FINANCIAL PLANNING, LLC

BY: *Brant J. Donis*

NAME: *Brant J. Donis*

TITLE: *Founding Principal*