



STATE OF MISSOURI
OFFICE OF SECRETARY OF STATE

IN THE MATTER OF:)
)
PEAK WEALTH GROUP, LLC,) Case No. AP-14-20
)
 Respondent.)
)
)
Serve: Peak Wealth Group, LLC)
 c/o Mr. Allan Harkness, President)
 597 West Crossville Road, Suite 200)
 Roswell, Georgia 30075)

CONSENT ORDER

SUMMARY OF THE SECURITIES DIVISION’S ALLEGATIONS

1. The Enforcement Section of the Missouri Securities Division of the Office of Secretary of State (“Enforcement Section”), through Enforcement Counsel Jennifer J. Martin, has alleged that Peak Wealth Group, LLC (“Peak Wealth”) transacted business as an investment adviser in the state of Missouri without being registered or exempt from registration for twenty-five (25) months in violation of Section 409.4-403(a), RSMo. (Cum. Supp. 2013)¹ and that this constitutes grounds to issue an order pursuant to Section 409.6-604, RSMo.
2. Respondent and the Enforcement Section desire to settle the allegations and the matters raised by the Enforcement Section relating to the Respondents’ alleged violations of Section 409.4-403.

CONSENT TO JURISDICTION

3. Respondent and the Enforcement Section stipulate and agree that the Missouri Commissioner of Securities (“Commissioner”) has jurisdiction over Respondent 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. Respondent 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. Respondent waives Respondent’s rights to a hearing with respect to this matter.
6. Respondent waives any right that Respondent may have to seek judicial review or otherwise challenge or contest the terms and conditions of this Order. Respondent specifically forever releases and holds 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. Respondent stipulates and agrees with the Enforcement Section that, should the facts contained herein prove to be false or incomplete, the Enforcement Section reserves the right to pursue any and all legal or administrative remedies at its disposal.

CONSENT TO COMMISSIONER’S ORDER

8. Respondent 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. Respondent agrees 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 Respondent’s (a) testimonial obligations; (b) right to take legal or factual positions in defense of litigation or in defense of other legal proceedings in which the Commissioner is not a party; or (c) right to make public statements that are factual.
10. Respondent agrees that Respondent is not the prevailing party in this action since the parties have reached a good faith settlement.
11. Respondent neither admits nor denies the allegations made by the Enforcement Section, but consents 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. Peak Wealth is a Missouri-registered investment adviser with a home office address of 597 West Crossville Road, Suite 200, Roswell, Georgia 30075. Peak Wealth is registered in Missouri through the Central Registration Depository System ("CRD") with number 150003.
13. Peak Wealth was registered in Missouri as an investment adviser from September 2011 until December 2011; however, Peak Wealth failed to renew that registration for the following years.
14. In December 2013 and January 2014, Peak Wealth sent to the Division Peak Wealth's application to register as an investment adviser in Missouri, along with accompanying fees and documentation. Peak Wealth's application was approved effective February 3, 2014.
15. Along with Peak Wealth's application, Peak Wealth disclosed to the Division that Peak Wealth had been inadvertently transacting business in Missouri as an unregistered investment adviser for more than five (5) clients since January 2012.

II. CONCLUSIONS OF LAW

16. The Commissioner finds that Respondent Peak Wealth transacted business as an unregistered investment adviser in this state from January 2012 through January 2014 in violation of Section 409.4-403(a), and that this violation constitutes grounds to issue an order pursuant to Section 409.6-604.
17. The Commissioner, after consideration of the stipulations set forth above and on consent of the Respondent and the Enforcement Section, finds and concludes that the Commissioner has jurisdiction over Respondent 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:

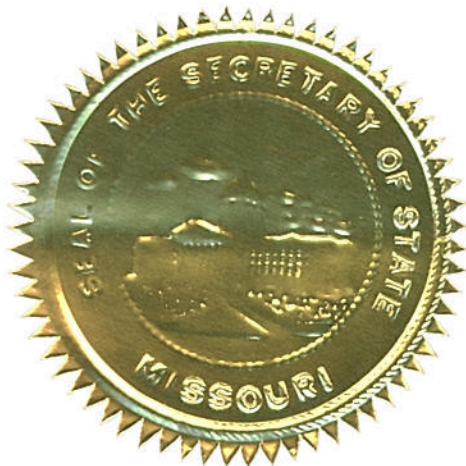
1. Respondent, its agents, employees and servants, and all other persons participating in the above-described violations with knowledge of this order are permanently enjoined and restrained from violating Section 409.4-403(a);
2. Respondent is ordered to pay seventeen thousand five hundred dollars (\$17,500) to the Investor Education and Protection Fund for violations of the Missouri Securities Act.

Two thousand five hundred dollars (\$2,500) of this amount will be suspended provided Respondent complies with the terms of this Consent Order and does not violate the Missouri Securities Act for a period of two (2) years from the date of this Consent Order. The remaining fifteen thousand dollars (\$15,000) of this amount shall be paid, in three equal installments of five thousand dollars (\$5,000), on January 30, 2015, April 30, 2015, and July 30, 2015. 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.

3. Upon Respondent's failure to comply with the terms of this Consent Order, the suspended payment in paragraph 2 shall become immediately payable under operation of law, and such immediately due payments 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's satisfaction of the terms referenced above and Respondent's compliance with the terms of this Consent Order for a period of two (2) years from the date of this Consent Order, the suspended payment in paragraph 2 shall be fully waived.
4. Respondent 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 9TH DAY OF DECEMBER, 2014.




JASON KANDER
SECRETARY OF STATE

Andrew M. Hartnett

ANDREW M. HARTNETT
COMMISSIONER OF SECURITIES

Consented to by:

THE MISSOURI SECURITIES DIVISION



Jennifer J. Martin
Enforcement Counsel

RESPONDENT

Peak Wealth Group, LLC

By: 

Allan Harkness, President

Approved as to Form:



Joel Beck, Attorney for the Respondent
The Beck Law Firm, LLC
232 West Crogan Street, Suite C
Lawrenceville, Georgia 30046