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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND
SECURITIES, BUREAU OF SECURITIES,
LICENSING, COMPLIANCE AND
ENFORCEMENT

PA DEPARTMENT OF
BANKING AND SECURITIES

DOCKET No. 13 056 (SEC-CAO)

v.

EPG ADVISORY, LLC

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking and Securities ("Department), Bureau of Securities Licensing, Compliance and Enforcement ("Bureau") has conducted an investigation of the business practices of EPG Advisory, LLC ("EPG") and its officers and employees. Based on the results of its investigation, the Bureau has concluded that EPG has operated in violation of the Pennsylvania Securities Act of 1972, 70 P.S. § 1-101 et. seq. ("1972 Act"). EPG, in lieu of litigation, and without admitting or denying the allegations herein, and intending to be legally bound, hereby agrees to the terms of this Consent Agreement and Order ("Order").

BACKGROUND

1. The Department is the Commonwealth of Pennsylvania's administrative agency authorized and empowered to administer and enforce the 1972 Act.
2. The Bureau is primarily responsible for administering and enforcing the 1972 Act for the Department.
3. EPG, CRD #119898, was, at all times material herein, a Delaware limited liability corporation with an address at 24B East Roseville Road, Lancaster, Pennsylvania 17601.

4. From in or about October 2009 through the present, EPG has been registered in Pennsylvania as an investment adviser pursuant to Section 301(c) of the 1972 Act, 70 P.S. §1-301(c).

5. From in or about March 2011 until September 2013, EPG failed to register one employee as an investment adviser representative in Pennsylvania.

VIOLATION

6. By engaging in the acts and conduct set forth in paragraphs 4 and 5 above, EPG employed at least one unregistered investment adviser representative in violation of Section 301(c.1)(1)(i) of the 1972 Act, 70 P.S. §1-301(c.1)(1)(i).

AUTHORITY

7. Because EPG employed at least one unregistered investment adviser representative in violation of Section 301 (c.1)(1)(i) of the 1972 Act, 70 P.S. §1-301(c.1)(1)(i), the Department has authority to impose sanctions on EPG.

8. Because EPG employed at least one unregistered investment adviser representative in violation of Section 301(c.1)(1)(i), the Department has the authority to impose an administrative assessment of up to \$100,000.00 for each act or omission that constitutes a violation, and also order EPG to pay the costs of the investigation, *see* 70 P.S. § 1-602.1(c)(1)(i) and 70 P.S. § 1-602(b).

RELIEF

9. EPG shall pay the Department an administrative assessment in the amount of \$10,000.00. Payment shall be made by certified check or money order made payable to the "Department of Banking and Securities" and shall be mailed or delivered, in person, to the Bureau of Licensing, Compliance and Enforcement located at 17 N. Second Street, Suite 1300, Harrisburg, PA 17101.

10. The administrative assessment shall be paid as follows:

- a. \$1,666 on or before November 15, 2013;
- b. \$1,666 on or before December 15, 2013;
- c. \$1,666 on or before January 15, 2014;
- d. \$1,666 on or before February 15, 2014;
- e. \$1,666 on or before March 15, 2014; and
- f. \$1,670 on or before April 15, 2014.

11. EPG is ORDERED to comply with the 1972 Act, and Regulations adopted by the Department, and in particular Section 301 (c.1)(1)(i) of the 1972 Act, 70 P.S. §1-301(c.1)(1)(i).

12. Should EPG fail to pay the assessment as set forth in paragraphs 9 and 10 above, the sanctions set forth elsewhere in the Order shall continue in full force and effect until full payment is made. However, this provision shall not be construed as affording EPG the option of either paying the costs and the assessment or being indefinitely subject to the sanctions.

13. Should EPG fail to comply with any and all provisions of this Order, the Department may impose additional sanctions and costs and seek other appropriate relief subject to EPG's right to a hearing pursuant to the 1972 Act.

FURTHER PROVISIONS

14. Consent. EPG hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Bureau's authority under the 1972 Act and agrees that it understands all of the terms and conditions contained herein. EPG, by voluntarily entering into this Order, waives any right to a hearing or appeal concerning the terms, conditions and/or penalties set forth in this Order.

15. Entire Agreement. This Order contains the entire agreement between the Department and EPG. There are no other terms, obligations, covenants, representations, statements, conditions, or otherwise, of any kind whatsoever concerning this Order. This Order may be amended in writing by mutual agreement by the Department and EPG.

16. Binding Nature. The Department, EPG, and all officers, owners, directors, employees, heirs and assigns of EPG intend to be and are legally bound by the terms of this Order.

17. Counsel. This Order is entered into by the parties upon full opportunity for legal advice from legal counsel.

18. Effectiveness. EPG hereby stipulates and agrees that the Order shall become effective on the date the Bureau executes the Order ("Effective Date").

19. Other Enforcement Action.

(a) The Department reserves all of its rights, duties, and authority to enforce all statutes, rules and regulations under its jurisdiction against EPG in the future regarding all matters not resolved by this Order.

(b) EPG acknowledges and agrees that this Order is only binding upon the Department and not any other local, state or federal agency, department or office regarding matters within this Order.

20. Authorization. The parties below are authorized to execute this Order and legally bind their respective parties.

21. Counterparts. This Order may be executed in separate counterparts, by facsimile and by PDF.

22. Titles. The titles used to identify the paragraphs of this document are for the convenience of reference only and do not control the interpretation of this document.

23. Finding. The Department finds that it is necessary and appropriate in the public interest and for the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the 1972 Act to issue this Order.

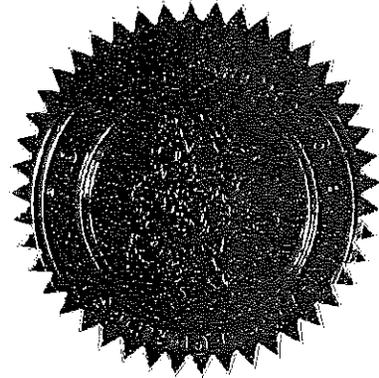
WHEREFORE, in consideration of the foregoing, including the recital paragraphs, the Commonwealth of Pennsylvania, Department of Banking and Securities, Bureau of Securities, Licensing, Compliance and Enforcement and EPG Advisory, LLC intending to be legally bound, do hereby execute this Consent Agreement and Order.

**FOR THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES
BUREAU OF SECURITIES, LICENSING, COMPLIANCE AND ENFORCEMENT**

Victoria A. Reider
Executive Deputy Secretary of Banking and Securities

Date: 10/24/13

FOR EPG ADVISORY, LLC



(Officer Signature)

Kenneth S. Ray
(Print Officer Name)

Compliance Officer
(Title)

Date: 10/15/13