

4. At all times material herein, McGervey has been an investment adviser and engaged in the business of advising others, for compensation, on the purchase and sale of securities in Pennsylvania.

5. From on or about October 26, 2009 through June 6, 2012, McGervey had been registered as an investment adviser with the United States Securities and Exchange Commission ("SEC") under Section 203(c) of the Investment Advisers Act of 1940 and was a federally covered adviser as defined under Section 102(f.1) of the 1972 Act, 70 P.S. § 1-102(f.1).

6. From on or about October 26, 2009 through June 6, 2012, McGervey was required to be Notice Filed in Pennsylvania as an investment adviser pursuant to Section 301 (f) of the 1972 Act, 70 P.S. § 1-301(f) and was subject to the Notice Filing requirements of Section 303 of the 1972 Act, 70 P.S. § 1-303.

7. From on or about April 19, 2012 through the present, McGervey has been registered in Pennsylvania as an investment adviser pursuant to Section 301(c) of the 1972 Act, 70 P.S. § 1-301(c).

8. When McGervey made application for investment adviser registration in Pennsylvania, McGervey notified the Bureau that the firm's outside consulting firm had failed to Notice File McGervey in Pennsylvania during the time he was registered with the SEC.

VIOLATION

9. By engaging in the acts and conduct set forth in paragraphs 5, 6 and 8 above, McGervey failed to Notice File in Pennsylvania in violation of Section 301(f) of the 1972 Act, 70 P.S. § 1-301(f).

AUTHORITY

10. Because McGervey failed to Notice File with Pennsylvania, as required by Section 301(f) of the 1972 Act, 70 P.S. § 1-301(f), the Department has the authority to impose sanctions on McGervey.

11. Because McGervey failed to Notice File in Pennsylvania, as required by Section 301(f) of the 1972 Act, 70 P.S. § 1-301(f), 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 McGervey 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

12. McGervey shall pay the Department an administrative assessment in the amount of \$5,000.00. 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.

13. McGervey shall pay to the Department investigative and legal costs in the amount of \$1,500.00. 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.

14. The investigative and legal costs and the administrative assessment shall be paid as follows:

- a) \$1,000.00 investigative and legal costs on or before January 1, 2013;

- b) \$500.00 investigative and legal costs and \$500.00 administrative assessment on or before February 1, 2013;
- c) \$1,000.00 administrative assessment on or before March 1, 2013;
- d) \$1,000.00 administrative assessment on or before April 1, 2013;
- e) \$1,000.00 administrative assessment on or before May 1, 2013;
- f) \$1,000.00 administrative assessment on or before June 6, 2013;
- g) \$500.00 administrative assessment on or before July 1, 2013.

15. McGervey is ORDERED to comply with the 1972 Act, and Regulations adopted by the Department, and in particular Section 301(f), 70 P.S. § 1-301(f).

16. Should McGervey fail to pay the costs and the assessment as set forth in paragraphs 12 and 13 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 McGervey the option of either paying the costs and the assessment or being indefinitely subject to the sanctions.

17. Should McGervey 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 McGervey's right to a hearing pursuant to the 1972 Act.

FURTHER PROVISIONS

18. Consent. McGervey 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. McGervey, 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.

19. Entire Agreement. This Order contains the entire agreement between the Department and McGervey. 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 McGervey.

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

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

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

23. 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 McGervey in the future regarding all matters not resolved by this Order.

(b) McGervey 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.

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

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

26. 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.

27. 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 McGervey Wealth Management, 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

Aimee Toth
Deputy Secretary for Securities

Date: 1/31/13

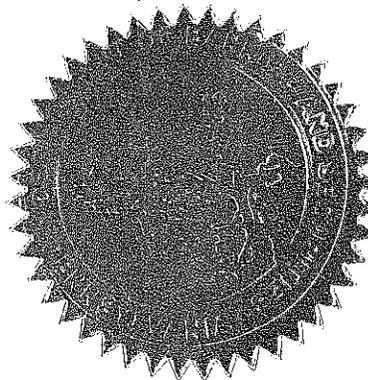
FOR McGERVEY WEALTH MANAGEMENT, LLC

(Officer Signature)

E. MICHAEL McGERVEY
(Print Officer Name)

PRESIDENT
(Title)

Date: 12/19/12



12/19/2012
CHRISTINE M. MCHUGH
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Stark County
My Comm. Exp. 9/1/13