

**MICHAEL A. KAKUK**  
Office of the Montana State Auditor,  
Commissioner of Securities and Insurance (CSI)  
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Attorney for the CSI

**BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE  
MONTANA STATE AUDITOR**

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IN THE MATTER OF:	)	
	)	
	)	CASE NO. SEC-2015-143
MEYERS ASSOCIATES, L.P., a Montana licensed	)	
broker-dealer; and WILLIAM DAVID NELSON,	)	CONSENT AGREEMENT AND
individually and in his capacity as a salesperson for	)	FINAL ORDER
Meyers Associates, L.P.,	)	
	)	
Respondents.	)	

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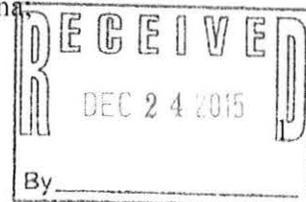
This Consent Agreement and Final Order (Agreement) is entered into by the Office of the Montana State Auditor, Commissioner of Securities and Insurance (CSI), acting pursuant to the authority of the Securities Act of Montana, Mont. Code Ann. § 30-10-101 et seq. (Act), and Meyers Associates, L.P. (Meyers) and William David Nelson (Nelson) (collectively Respondents).

**RECITALS**

WHEREAS, Nelson is a securities salesperson (CRD # 2734324) for Meyers (CRD# 34171), and both Nelson and Meyers are registered in Montana;

WHEREAS, the CSI alleges that Nelson violated § 30-10-301(1)(c) by conducting excessive trading in three accounts for the individuals residing in Montana;

*In re: Meyers Associates, L.P., et. al.*  
CONSENT AGREEMENT AND FINAL ORDER



WHEREAS, the CSI alleges that Meyers failed to reasonably supervise Nelson, as required by § 30-10-201(13)(k); and

WHEREAS, the CSI and Respondents agree that the best interests of the public would be best served by entering into this Agreement.

NOW, THEREFORE, in consideration of the following mutual undertakings, the CSI and Respondents enter into the following:

### STIPULATIONS AND CONSENTS

I. Respondents stipulate and agree to the following provisions.

A. Respondents admit that the Recitals, above, are true and correct.

B. Respondents shall be jointly and severally liable for restitution to the following three Montana investors: B.B. in the amount of \$15,482.16; L.B. & K.B. in the amount of \$4,246.32; and D.V. in the amount of \$8,803.20. Restitution may be paid in installments, in minimum amounts as shown on the spreadsheet, attached as Exhibit A. The first payments are due on or before the 10<sup>th</sup> day of the month following the effective date of this Agreement, and subsequent payments are due on or before the 10<sup>th</sup> day of each following month. Payments shall be made in the form of three separate checks, each check made out and sent to the individual account holders, in the minimum amounts shown on Ex. A. Scanned copies of each check shall be emailed on or before the 10<sup>th</sup> day of each month to:

Lisa Monroe  
[lmonroe@mt.gov](mailto:lmonroe@mt.gov)

C. Respondent Nelson shall pay a fine in the amount of \$5,000.00. This fine shall be paid on or before 30 days after the final restitution payment as detailed in paragraph B, above.

This fine shall be paid in the form of a check made payable to the Montana State Auditor's Office, and mailed to:

*In re: Meyers Associates, L.P., et. al.*

CONSENT AGREEMENT AND FINAL ORDER

Darla Sautter  
State Auditor's Office  
840 Helena Ave.  
Helena, MT 59601

D. Respondent Meyers shall pay a fine in the amount of \$5,000.00. This fine shall be paid on or before 30 days after the effective date of this Agreement. This fine shall be paid in the form of a check made payable to the Montana State Auditor's Office, and mailed to:

Darla Sautter  
State Auditor's Office  
840 Helena Ave.  
Helena, MT 59601

E. Respondents fully and forever release and discharge the Commissioner of Securities and Insurance, Montana State Auditor (Commissioner), the CSI, and all of the CSI's employees and agents from any and all actions, claims, causes of action, demands, or expenses for damages or injuries, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of this Agreement.

F. Respondents specifically and affirmatively waive their right to a contested case hearing and all rights to appeal under the Montana Administrative Procedure Act, Mont. Code Ann. § 2-4-101 et seq., and elect to resolve this matter with this Agreement.

G. Respondents acknowledge that they were advised of the right to be represented by legal counsel and if represented by legal counsel, that such legal representation was satisfactory.

H. Respondents acknowledge that they enter into this Agreement voluntarily and without reservation.

II. All parties to this Agreement stipulate and consent to the following provisions.

A. The Commissioner and the CSI have jurisdiction over the subject matter of this case and this Agreement.

B. This Agreement is entered without adjudication of any issue, law, or fact. This Agreement covers the factual allegations addressed above. It is entered into solely for the purpose of resolving the CSI's allegations and is not intended to be used for any other purpose. For any person or entity not a party to this Agreement, this Agreement does not limit or create any private rights or remedies against Respondents, limit or create liability of Respondents, or limit or create defenses of Respondents to any claims.

C. The applicable statute of limitations is tolled for two years from the date of execution of this Agreement with regard to the allegations in the Recitals. In the event either Respondent violates the terms of this Agreement at any time before the applicable statute of limitations has run, the CSI reserves the right to seek any additional administrative penalties or further regulatory action, as the law allows.

D. This Agreement constitutes the entire agreement between the parties and no other promises or agreements, either express or implied, have been made by the CSI or by any member, officer, agent, or representative of the CSI to induce Respondents to enter into this Agreement.

E. This Agreement may not be modified orally, and any subsequent modifications to this Agreement must be mutually agreed upon in writing, with the same formality as this Agreement, to be effective.

F. This Agreement shall be incorporated into and made a part of the attached Final Order issued by the Commissioner.

G. This Agreement shall be effective upon signing of the Final Order.

H. The Agreement is a public record under Montana law and, as such, may not be sealed or otherwise withheld from the public.

DATED this 31<sup>st</sup> day of December, 2015

OFFICE OF THE MONTANA STATE  
AUDITOR, COMMISSIONER OF  
SECURITIES AND INSURANCE

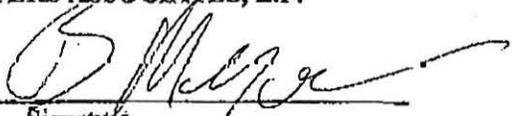
By:   
MICHAEL A. KAKUK  
Attorney for the CSI

APPROVED AS TO FORM on this 31<sup>st</sup> day of December, 2015.

  
ROBERT I. RABINOWITZ  
Attorney for Respondents

DATED this 31<sup>st</sup> day of December, 2015

MEYERS ASSOCIATES, L.P.

By:   
Signature  
B Meyers  
Printed Name  
CEO  
Title

DATED this \_\_\_\_\_ day of December, 2015

\_\_\_\_\_  
WILLIAM DAVID NELSON

DATED this \_\_\_\_\_ day of December, 2015

OFFICE OF THE MONTANA STATE  
AUDITOR, COMMISSIONER OF  
SECURITIES AND INSURANCE

By: \_\_\_\_\_  
MICHAEL A. KAKUK  
Attorney for the CSI

APPROVED AS TO FORM on this 31<sup>ST</sup> day of December, 2015.

  
ROBERT I. RABINOWITZ  
Attorney for Respondents

DATED this \_\_\_\_\_ day of December, 2015

MEYERS ASSOCIATES, L.P.

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

DATED this 31 day of December, 2015

  
WILLIAM DAVID NELSON

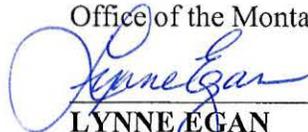
**FINAL ORDER**

Pursuant to the authority vested by Mont. Code Ann. § 2-4-603 and §§ 30-10-101 et seq., and upon review of the foregoing Consent Agreement and good cause appearing,

IT IS HEREBY ORDERED that the foregoing Consent Agreement between the CSI and Respondents Meyers Associates, L.P., and William David Nelson is adopted as if set forth fully herein.

DATED this 31<sup>st</sup> day of December, 2015.

MONICA J. LINDEEN  
Commissioner of Securities and Insurance  
Office of the Montana State Auditor



\_\_\_\_\_  
LYNNE EGAN  
Deputy Securities Commissioner

cc: Michael A. Kakuk  
Robert I. Rabinowitz

# EXHIBIT A

Payment Date				Fine	Total Monthly Payment
10-Jan-16	\$ 645.09	\$ 176.93	\$ 366.80	-	\$ 1,188.82
10-Feb-16	\$ 645.09	\$ 176.93	\$ 366.80	-	\$ 1,188.82
10-Mar-16	\$ 645.09	\$ 176.93	\$ 366.80	-	\$ 1,188.82
10-Apr-16	\$ 645.09	\$ 176.93	\$ 366.80	-	\$ 1,188.82
10-May-16	\$ 645.09	\$ 176.93	\$ 366.80	-	\$ 1,188.82
10-Jun-16	\$ 645.09	\$ 176.93	\$ 366.80	-	\$ 1,188.82
10-Jul-16	\$ 645.09	\$ 176.93	\$ 366.80	-	\$ 1,188.82
10-Aug-16	\$ 645.09	\$ 176.93	\$ 366.80	-	\$ 1,188.82
10-Sep-16	\$ 645.09	\$ 176.93	\$ 366.80	-	\$ 1,188.82
10-Oct-16	\$ 645.09	\$ 176.93	\$ 366.80	-	\$ 1,188.82
10-Nov-16	\$ 645.09	\$ 176.93	\$ 366.80	-	\$ 1,188.82
10-Dec-16	\$ 645.09	\$ 176.93	\$ 366.80	-	\$ 1,188.82
10-Jan-17	\$ 645.09	\$ 176.93	\$ 366.80	-	\$ 1,188.82
10-Feb-17	\$ 645.09	\$ 176.93	\$ 366.80	-	\$ 1,188.82
10-Mar-17	\$ 645.09	\$ 176.93	\$ 366.80	-	\$ 1,188.82
10-Apr-17	\$ 645.09	\$ 176.93	\$ 366.80	-	\$ 1,188.82
10-May-17	\$ 645.09	\$ 176.93	\$ 366.80	-	\$ 1,188.82
10-Jun-17	\$ 645.09	\$ 176.93	\$ 366.80	-	\$ 1,188.82
10-Jul-17	\$ 645.09	\$ 176.93	\$ 366.80	-	\$ 1,188.82
10-Aug-17	\$ 645.09	\$ 176.93	\$ 366.80	-	\$ 1,188.82
10-Sep-17	\$ 645.09	\$ 176.93	\$ 366.80	-	\$ 1,188.82
10-Oct-17	\$ 645.09	\$ 176.93	\$ 366.80	-	\$ 1,188.82
10-Nov-17	\$ 645.09	\$ 176.93	\$ 366.80	-	\$ 1,188.82
10-Dec-17	\$ 645.09	\$ 176.93	\$ 366.80	-	\$ 1,188.82
10-Jan-18	-	-	-	\$ 5,000.00	\$ 5,000.00
<b>Totals:</b>	\$ 15,482.16	\$ 4,246.32	\$ 8,803.20	\$ 5,000.00	\$ 33,531.68