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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
SECURITIES DIVISION**

IN THE MATTER OF DETERMINING
whether there has been a violation of the
Securities Act of Washington by:

Order Number S-16-1931-17-CO01

CONSENT ORDER

Creative Money LLC and Melinda Janelle
Crary, a.k.a. Mindy Crary, CRD No.
03032185,

Respondents.

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Pursuant to the Securities Act of Washington, Chapter 21.20 RCW, the Securities Administrator of the Department of Financial Institutions Securities Division (“Securities Division”) and the Respondents, Creative Money LLC and Melinda Janelle Crary, a.k.a. Mindy Crary, do hereby enter into this CONSENT ORDER in settlement of the matters alleged herein. Respondents neither admit nor deny the Findings of Fact and Conclusions of Law stated below.

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FINDINGS OF FACT

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Respondents

1. Melinda Janelle Crary, a.k.a. Mindy Crary (“Crary”) is a Washington resident who holds herself out as a financial planner and financial coach, doing business as Creative Money LLC.

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2. Creative Money, LLC (“Creative Money”) is a Washington State limited liability company that offers financial planning services and coaching and whose primary place of business is in Shoreline, Washington.

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Prior Securities Registrations

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3. Crary, CRD No. 03032185, registered with the Securities Division as a securities salesperson between 1999 to 2007 and as an investment adviser from 2004 to 2010.

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CONSENT ORDER

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DEPARTMENT OF FINANCIAL INSTITUTIONS
Securities Division
PO Box 9033
Olympia, WA 98507-9033
360-902-8760

Nature of Conduct

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2 4. From at least 2011 to present, Crary and Creative Money held themselves out to the public
3 as a financial planner and solicited prospective financial planning clients through a variety of methods like
4 social media such as Facebook and Pinterest and on their website at: <http://creativemoney.biz/>. On their
5 home webpage, Crary offered “Financial Planning That Doesn’t Suck.” On the website, Crary holds
6 herself out as a certified financial planner (CFP). For \$250 to \$1,200, Crary offered prospective clients a
7 two hour planning package in which she identified a client’s specific, individual action steps and provided
8 the client with a follow up action plan with specific steps and advice. For \$2,000, Crary customized a
9 planning package for a client’s personal financial life and offered clients a second consulting session in
10 which she educated them on their options, explained the different strategies and delivered
11 recommendations and actions steps. Crary also offered and provided “email follow-up and hand-holding to
12 clarify, review and keep you (the client) focused on implementation of package action steps” Crary
13 provided clients with a contract that stated that Crary “may direct the Client to specific investments,
14 insurances and securities.”

15 5. From at least 2011 to present, Crary and Creative Money, charged financial planning
16 clients fees ranging from \$250 to \$2,000 for their services. Crary and Creative Money collected financial
17 information, such as investment account statements, bank statements, tax returns and paystubs, from
18 financial planning clients through various means, including online forms and a Dropbox account. Based on
19 their personal financial circumstances, Crary and Creative Money offered these financial planning clients
20 individualized advice and specific recommendations regarding the value of securities or as to the
21 advisability of investing in, purchasing, or selling securities. Examples of individualized advice Crary and
22 Creative Money provided to some clients include:

- 23 a. Advised a client to invest a retirement account more aggressively and to split it between
24 three specific funds.

- 1 b. Recommended that a client open a retirement account at a specific mutual fund
2 company.
- 3 c. Recommended that a client buy mutual funds for a new and specific Roth retirement
4 account.
- 5 d. Recommended that a client reallocate funds in a 401K account between four existing
6 mutual fund investment accounts.
- 7 e. Recommended that a client transfer the proceeds from an existing retirement account
8 to a new IRA account and divide the proceeds between nine new funds.
- 9 f. Recommended that a client invest in the employer's employee stock plan.
- 10 g. Recommended that clients sell all or a portion of their shares that they had received
11 through their employer's employee stock option plan.
- 12 h. Recommended that a client switch from equity mutual funds to bond mutual funds.
- 13 i. Recommended that a client purchase a 529 Plan (college savings plan) from a specific
14 mutual fund company.
- 15 j. Recommended that a client switch from one 529 Plan (college savings plan) to another
16 specified plan.
- 17 k. Recommended that a client convert an IRA account of equity mutual funds to a short
18 term bond index fund.
- 19 l. Recommended that a client set up a traditional IRA, in which to transfer the proceeds
20 of an existing 401K retirement account.

21 6. During the relevant time period in question, from 2011 to present, Crary and Creative
22 Money were not registered with the Securities Division as an investment adviser and Crary was not
23 registered as an investment adviser representative.

24 Based upon the above Findings of Fact, the following Conclusions of Law are made:

1 **CONCLUSIONS OF LAW**

2 1. Respondents Melinda Janelle Crary and Creative Money LLC acted as an investment adviser
3 representative and/or an investment adviser, respectively, as defined in RCW 21.20.005(8) and (9) by
4 holding themselves out as a financial planner and, for compensation, engaging in the business of advising
5 others, either directly or through publications or writings, as to the value of securities or as to the
6 advisability of investing in, purchasing, or selling securities, or, for compensation and as a part of a regular
7 business, issuing or promulgating analyses or reports concerning securities.

8 2. Respondents Melinda Janelle Crary and Creative Money LLC violated RCW 21.20.040 by
9 holding themselves out to the public as financial planners and transacting business as an investment adviser
10 representative and/or investment adviser, respectively, while not registered in the State of Washington.

11 **CONSENT ORDER**

12 Based upon the foregoing and finding it in the public interest:

13 IT IS AGREED AND ORDERED that Respondents Creative Money LLC and Melinda Janelle Crary
14 will each cease and desist from further violations of RCW 21.20.040.

15 IT IS FURTHER AGREED AND ORDERED that Respondents Creative Money LLC and Melinda
16 Janelle Crary will jointly be liable for and pay a fine of \$10,000 prior to the entry of this Consent Order.

17 IT IS FURTHER AGREED AND ORDERED that Respondents Creative Money LLC and Melinda
18 Janelle Crary will jointly be liable for and pay costs of \$5,000 prior to the entry of this Consent Order.

19 IT IS FURTHER AGREED that the Securities Division has jurisdiction to enter this Consent
20 Order.

21 IT IS FURTHER AGREED that Respondents Creative Money LLC and Melinda Janelle Crary
22 enter into this Consent Order freely and voluntarily and with full understanding of its terms and
23 significance.

1 IT IS FURTHER AGREED that the facts of this Order will not constitute a bar to the approval of
2 an investment adviser or investment adviser representative application of Respondents Creative Money
3 LLC and Melinda Janelle Crary by the Securities Division.

4 IT IS FURTHER AGREED that in consideration of the foregoing, Respondents Creative Money
5 LLC and Melinda Janelle Crary each waive their right to a hearing and to judicial review of this matter
6 pursuant to RCW 21.20.440 and Chapter 34.05 RCW.

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8 **AUTHORITY AND PROCEDURE**

9 This Order is entered pursuant to the provisions of chapter 21.20 RCW and is subject to the
10 provisions of RCW 21.20.120 and Chapter 34.05 RCW. The Respondents have been notified of their right
11 to an administrative hearing and have waived their right to a hearing.

12 WILLFUL VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.

13 Dated this 13th day of February, 2017

14 Signed by:

Signed by:

15 /s/
16 MELINDA JANELLE "MINDY" CRARY,

/s/
CREATIVE MONEY LLC by Mindy Crary

17 Approved as to form by:

18 /s/
19 JOHN BENDER, WSBA #19540

1 DATED and ENTERED this 16th day of February, 2017.

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5 WILLIAM M. BEATTY
6 Securities Administrator

7 Approved by:

Presented by:

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10 _____
11 Suzanne Sarason
12 Chief of Compliance

13 _____ /s/
14 Martin Cordell
15 Financial Legal Examiner

16 Reviewed by:

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18 _____
19 Jack McClellan
20 Financial Legal Examiner Supervisor