

1 securities salesperson. Mr. Baker has at no time been registered as an investment adviser in Washington
2 state. Mr. Baker's Central Registration Depository (CRD) number is 809683.

3 2. Respondent Baker & Associates, LLC ("Baker & Associates") is a Washington limited
4 liability company formed on March 28, 2003. Its principal office is in Spokane, Washington. Mr. Baker is
5 Baker & Associates' owner, president, and chief compliance officer. Baker & Associates has at no time
6 been registered as an investment adviser or broker-dealer in Washington state. Baker & Associates' CRD
7 number is 305284.

8 *Nature of the Conduct*

9 3. From on or before March 22, 2019 to the present, Respondents have maintained a website,
10 www.baker-associates.com.

11 4. From on or before March 22, 2019 to August 10, 2020, the website contained the following
12 statements:

- 13 a. A heading near the top of each page on the website stated, "Baker & Associates, LLC.
14 Financial Advisor".
- 15 b. The homepage included the statement, "Prepare for your future with our financial
16 planning services."
- 17 c. The homepage included a section entitled, "Over 45 Years of Financial Expertise[,]
18 Free Initial Consultations Available."
- 19 d. A section on the homepage entitled, "A Word from Our Founder", began with the
20 following statement: "My name is David Baker, and I earned my MBA in 1972 and
21 have been a financial advisor for 46 years. I want to use my knowledge of the financial
22 industry to serve your needs and help you plan for your future."

1 “Contact us today for all of your financial planning needs. We are proud to serve our clients in Spokane,
2 WA, and surrounding areas.”

3 11. For over one year after receiving notice from the Securities Division, Respondents
4 continued to hold themselves out as a financial advisor on the website www.baker-associates.com.

5 12. For over ten months after receiving notice from the Securities Division, Respondents
6 continued to offer financial planning services on www.baker-associates.com. Additional references to the
7 financial planning services offered by Respondents were added to the website since March 22, 2019.

8 13. As of August 10, 2020, the website www.baker-associates.com has been modified to
9 remove the terms “financial advisor” and “IRA investment adviser” and to remove all references to
10 financial planning services.

11 Based upon the above Findings of Fact, the following Conclusion of Law is made:

12 CONCLUSION OF LAW

13 1. Respondents acted as an investment adviser and/or an investment adviser representative, as
14 defined in RCW 21.20.005(8) and (9), by holding themselves out as an “IRA investment advisor”, as a
15 “financial advisor”, and as providing financial planning services. By doing so while not registered as an
16 investment adviser and/or an investment adviser representative, or exempt from such registration, in the
17 state of Washington, Respondents violated RCW 21.20.040(4). Such violations constitute a basis for
18 entering an order to cease and desist and to charge costs under RCW 21.20.390 and to impose a fine under
19 RCW 21.20.395.

20 CONSENT ORDER

21 Based on the foregoing and finding it in the public interest:
22

1 IT IS AGREED AND ORDERED that Respondents will cease and desist from violations of RCW
2 21.20.040(4).

3 IT IS FURTHER AGREED AND ORDERED that Respondents will cease and desist from holding
4 themselves out using the terms “financial advisor”, “financial planning”, “investment advisor”, or any term
5 similar to financial planner as specified in WAC 460-24A-040(2) unless use of the term is in compliance
6 with Chapter 21.20 RCW and the rules promulgated thereunder.

7 IT IS FURTHER AGREED AND ORDERED that Respondents shall be liable for and pay a fine of
8 \$10,000. Due to Respondents’ financial condition, \$8,000 of the fine is suspended contingent upon the
9 future compliance with this Consent Order. In the event that Respondents fail to comply with the terms
10 and provisions of this Consent Order, in addition to any other remedy available, the suspended part of the
11 fine shall be immediately due and payable.

12 IT IS FURTHER AGREED AND ORDERED that Respondents shall be liable for and pay costs of
13 \$1,000. Due to Respondents’ financial condition, \$500 of the costs are suspended contingent upon the
14 future compliance with this Consent Order. In the event that Respondents fail to comply with the terms
15 and provisions of this Consent Order, in addition to any other remedy available, the suspended costs shall
16 be immediately due and payable.

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

19 IT IS FURTHER AGREED that Respondents enter into this Consent Order freely and voluntarily
20 with full understanding of its terms and significance.

21 IT IS FURTHER AGREED that in consideration of the foregoing, Respondents waive their right to
22 a hearing and to judicial review of this matter pursuant to RCW 21.20.440 and Chapter 34.05 RCW.

