

1 DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
2 DIVISION OF FINANCE AND CORPORATE SECURITIES
3 SECURITIES SECTION
4 BEFORE THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
5 STATE OF OREGON

6 In the Matter of:) 0-93-0039
7 PHILIP V. SWAN ASSOCIATES, INC.)
8) CEASE AND DESIST ORDER
9) ORDER ASSESSING CIVIL PENALTY
10) AND
11) CONSENT TO ORDER

12 WHEREAS the Director of the Department of Consumer and Business Services
13 has conducted an investigation of PHILIP V. SWAN ASSOCIATES, INC. and has
14 determined that PHILIP V. SWAN ASSOCIATES, INC. transacted business as an
15 investment adviser in the State of Oregon while unlicensed and allowed
16 unlicensed salespeople to transact its investment advisory business in the State
17 of Oregon in violation of Oregon Securities Law; and

18 NOW THEREFORE, as evidenced by the authorized signature subscribed on
19 this Order, PHILIP V. SWAN ASSOCIATES, INC. hereby CONSENTS to the entry of this
20 Order to Cease and Desist upon the Director's Findings of Fact and Conclusions
21 of Law as stated hereinafter:

22 FINDINGS OF FACT

23 The Director FINDS that:

24 1. PHILIP V. SWAN ASSOCIATES, INC. ("SWAN") is a California corporation
25 located at 527 South Lake Avenue, Suite 104, Pasadena, CA 91101.

26 2. SWAN applied for an Oregon investment adviser license on
October 12, 1993.

3. SWAN has been in the business of offering advice to Oregon residents
regarding investments in securities since September 8, 1988.

4. SWAN has been compensated for rendering investment advice to Oregon

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Salem, OR 97310
(503) 378-4387

1 residents between October 1, 1988 and October 1, 1993.

2 5. SWAN utilized the services of one salesperson in transacting its
3 business as an investment adviser with Oregon residents.

4 6. The salesperson utilized by SWAN in transacting business as an
5 investment adviser with Oregon residents was Philip V. Swan.

6 7. SWAN has never been licensed to transact business as an Investment
7 Adviser in the State of Oregon.

8 8. The salesperson utilized by SWAN in transacting its investment
9 advisory business was not licensed as an investment adviser salesperson to SWAN
10 in the State of Oregon from September 8, 1988 to October 1, 1993.

11 9. SWAN has been cooperative with the Director's investigation.

12 CONCLUSIONS OF LAW

13 The Director **CONCLUDES** that:

14 1. SWAN acted as investment adviser as defined by ORS 59.015(6) by
15 rendering investment advice to Oregon clients and by receiving compensation
16 based on that advice.

17 2. SWAN transacted business as an investment adviser in the State of
18 Oregon while unlicensed and in violation of ORS 59.165(4) between September 8,
19 1988 and October 1, 1993.

20 3. SWAN transacted business as an investment adviser in the State of
21 Oregon through one unlicensed salesperson in violation of ORS 59.165(3) between
22 September 8, 1988 and October 1, 1993.

23 ORDER

24 The Director, pursuant to ORS 59.245 hereby **ORDERS** that **SWAN** shall **CEASE** and
25 **DESIST** from:

26 1. Transacting business as an investment adviser in the State of Oregon

1 in violation of ORS 59.165.

2 2. Violating any provisions of Oregon Revised Statutes Chapter 59.

3 The Director, pursuant to ORS 59.995, hereby **ORDERS SWAN** to pay a **CIVIL PENALTY**
4 as follows:

5 1. **SWAN** is **ORDERED** to pay the sum of \$750 for the violations stated
6 herein.

7 Dated this 3rd day of March, 1994, at Salem, Oregon.

8 
9

10 KERRY BARNETT, DIRECTOR
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

11
12
13 **CONSENT TO ENTRY OF ORDER**
ADMISSION OF FACTS

14 I, Philip V. Swan state that I am president of Philip V. Swan Associates,
15 Inc. and I am authorized to act on its behalf; that I have read the foregoing
16 Order and that I know and fully understand the contents thereof; that Philip V.
17 Swan Associates, Inc. admits that the factual allegations contained herein are
18 true and correct; that Philip V. Swan Associates, Inc. has been advised of its
19 right to a hearing, and that Philip V. Swan Associates, Inc. consents to the
20 entry of this Order voluntarily without any force or duress; that Philip V. Swan
21 Associates, Inc. understands that the Director reserves the right to take
22 further action to ~~enforce~~ ^{enforce} ~~entry of~~ ^{PR} this Order, or, upon discovery, to enforce other
23 violations of the Oregon Securities Law by Philip V. Swan Associates, Inc. will
24 fully comply with the terms and conditions stated herein.

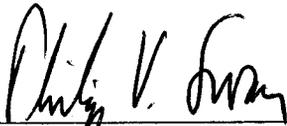
25 Philip V. Swan Associates, Inc. further assures the Director that it will
26 not transact any business in the State of Oregon unless such transactions are in

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1 full compliance with Oregon Revised Statutes Chapter 59.
2 I understand that this Consent Order is a public document.

3 Dated this 28th day of February, 1994.

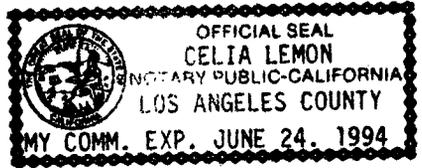
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5 
6 _____
7 Philip V. Swan, President
8 Philip V. Swan Associates, Inc.

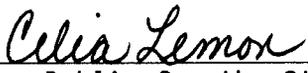
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10 **ACKNOWLEDGEMENT**

11 There appeared before me this 28th day of February, 1994,
12 Philip V. Swan, who was first duly sworn on oath, and stated that he was and is
13 president of Philip V. Swan Associates, Inc. and that he is authorized and
14 empowered to sign this Consent to Entry of Order on behalf of Philip V. Swan
15 Associates, Inc., and to bind Philip Swan Associates, Inc. to the terms hereof.

16
17 DATED this 28th day of February, 1994.

18
19 SUBSCRIBED AND SWORN to before me this 28th day of February, 1994.



21
22 
23 _____
24 Notary Public for the State of California

25 My commission expires: 6-24-94