



## FINDINGS OF FACT

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1. Ragen Mackenzie Investment Services, CRD #17525, is a Washington based corporation located at 1000 Second Avenue, Suite 3130, Seattle, Washington 98104.

2. Ragen is licensed as a broker dealer in the State of Oregon and was so licensed at all times germane to this Order.

3. Peter Nipoti, CRD #2462962, is President of PEN Associates Incorporated (hereinafter "PEN").

4. PEN is an Oregon corporation located at 5520 SW Macadam Avenue, Suite 201, Portland, Oregon 97201.

5. Nipoti became licensed to sell securities in the State of Oregon in October of 2003.

6. At all other times germane to this Order, Nipoti was not licensed to sell securities in the State of Oregon.

7. Between January 1, 2000 and August 1, 2003, salespersons associated with Ragen and licensed with the State of Oregon were also salaried employees of PEN.

8. All commissions and mutual fund Rule 12b-1 managing fees generated by the salespersons were included in a monthly check sent to Peter Nipoti by Ragen Mackenzie which Nipoti in turn deposited into PEN's account, or were paid by Ragen Mackenzie to Nipoti by direct deposit to PEN's account.

9. The salaries of the salespersons and Peter Nipoti's compensation were paid, in part, out of the commissions and mutual fund Rule 12b-1 managing fees deposited as aforesaid in PEN's account.

10. Nipoti did not personally effect any transactions in securities between January 1, 2000 and August 1, 2003, but was compensated by Ragen with monies generated through the sale of securities by salespersons licensed with Ragen and the State of Oregon.



1 11. There is no evidence that any person or entity was harmed by the activities of  
2 Nipoti and Ragen as outlined herein.

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6 **CONCLUSIONS OF LAW**

7 The Director **CONCLUDES** that:

8 1. Ragen employed a salesperson (Nipoti, who had entered into an independent  
9 contractor's agreement with Ragen) to act in the State of Oregon during a time in which  
10 Nipoti was not licensed under the Oregon Securities Law to Ragen in violation of ORS  
11 59.165 (3).

12 2. Nipoti transacted business in the State of Oregon as a salesperson without being  
13 licensed under the Oregon Securities Law in violation of ORS 59.165 (1), because between  
14 January 1, 2000 and August 1, 2003, Nipoti was not licensed to sell securities in the State of  
15 Oregon and therefore should not have been compensated by Ragen Mackenzie with funds  
16 representing commissions from the sale of securities and mutual fund Rule 12b-1 managing  
17 fees.

18 **ORDER**

19 The Director, pursuant to ORS 59.245 hereby **ORDERS** that Respondent Ragen  
20 Mackenzie Investment Services LLC and any successor business or corporation, shall  
21 **CEASE and DESIST** from:

22 1. Employing any salesperson to act in the State of Oregon during a time in which the  
23 salesperson is not licensed under the Oregon Securities Law in violation of ORS 59.165 (3).

Division of Finance and Corporate Securities  
Labor and Industries Building  
350 Winter Street NE, Suite 410  
Salem, OR 97301-3881  
Telephone: (503) 378-4387



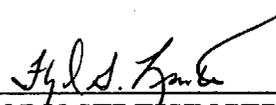
1 The Director, pursuant to ORS 59.245 hereby **ORDERS** that Respondent Peter E.  
2 Nipoti and any successor business or corporation, shall **CEASE and DESIST** from:  
3 3. Transacting business in the State of Oregon as a salesperson without being licensed  
4 under the Oregon Securities Law in violation of ORS 59.165 (1).

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9 The Director, pursuant to ORS 59.995, **HEREBY ORDERS** the following **CIVIL**  
10 **PENALTIES:**

11 1. Respondents Ragen and Nipoti shall each pay \$8,500.00 to the Oregon Department of  
12 Consumer and Business Services.

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15 The entry of this Order in no way limits further remedies which may be available  
16 to the Director under Oregon Law.

17 Dated this 20th day of MAY, 2004, at Salem, Oregon.

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21 CORY STREISINGER, DIRECTOR  
22 DEPARTMENT OF CONSUMER AND  
23 BUSINESS SERVICES

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1 **CONSENT TO ENTRY OF ORDER**

2 I, Peter Nipoti, state that I am a resident of the State of Oregon, that I have read the  
3 foregoing Order and that I know and fully understand the contents hereof; that I make no  
4 admission of liability regarding the Findings of Fact contained herein; that I have been  
5 advised of my right to a hearing, and that I voluntarily consent to the entry of this Order  
6 without any force or duress, expressly waiving any right to a hearing in this matter; that I  
7 understand that the Director reserves the right to take further actions against me to enforce  
8 this Order or to take appropriate action upon discovery of other violations of the Oregon  
9 Securities Law by me; and that I will fully comply with the terms and conditions stated  
10 herein.

11 I understand that this Consent Order is a public document.

12 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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14 \_\_\_\_\_  
15 Peter Nipoti

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17 SUBSCRIBED AND SWORN to before me this \_\_\_ day of \_\_\_\_\_, 2004.

18 \_\_\_\_\_  
19 (Printed Name of Notary Public)  
20 Notary Public  
21 for the State of: \_\_\_\_\_  
22 My commission expires: \_\_\_\_\_

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1 **CORPORATE CONSENT TO ENTRY OF ORDER**

2 for Jon Meiners on behalf of Ragen Mackenzie Investment Services, LLC.

3  
4 I, Jon Meiners, state that I am an officer of Ragen Mackenzie Investment Services,  
5 LLC, and I am authorized to act on its behalf; that I have read the foregoing Order and that I  
6 know and fully understand the contents hereof; that Ragen Mackenzie makes no admission of  
7 liability regarding the Findings of Fact contained herein; that I and this entity have been  
8 advised of the right to a hearing and of the right to be represented by counsel in this matter;  
9 that Ragen Mackenzie Investment Services, LLC voluntarily and without any force or duress,  
10 consents to the entry of this Order, expressly waiving any right to a hearing in this matter; that  
11 Ragen Mackenzie Investment Services, LLC understands that the Director reserves the right  
12 to take further actions to enforce this Order or to take appropriate action upon discovery of  
13 other violations of the Oregon Securities Law; and that Ragen Mackenzie Investment  
14 Services, LLC will fully comply with the terms and conditions stated herein.

15  
16 Ragen Mackenzie Investment Services, LLC understands that this Consent Order is a  
17 public document.

18 Dated this 7 day of May, 2004.

19 By Jon H Meiners  
20 (Signature of officer)

21 CEO  
22 (Office Held)

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**CORPORATE ACKNOWLEDGMENT**

There appeared before me this 7<sup>th</sup> day of May, 2004, Jon Meiners, who was first  
duly sworn on oath, and stated that he was and is CEO of Ragen Mackenzie  
Investment Services, LLC and that he is authorized and empowered to sign this Consent to  
Entry of Order on behalf of Ragen Mackenzie Investment Services, LLC, and to bind Ragen  
Mackenzie Investment Services, LLC to the terms hereof.



Jon Meiners  
(Individual)

Sabine Birlenbach  
(Printed Name of Notary Public)  
Notary Public  
for the State of: WA  
My commission expires: 1-20-06

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