

STATE OF OREGON  
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES  
DIVISION OF FINANCE AND CORPORATE SECURITIES

In the Matter of:

MATTHEW MINER,

Respondent.

Case No. S-15-0080

FINAL ORDER TO CEASE AND  
DESIST, FINAL ORDER  
ASSESSING CIVIL PENALTY,  
AND CONSENT TO ENTRY OF  
ORDER

The Director of the Department of Consumer and Business Services for the State of Oregon (hereinafter “the Director”), acting in accordance with the Oregon Securities Law, Oregon Revised Statutes (“ORS”) 59.005 to 59.451, 59.991 and 59.995, and Oregon Administrative Rules (“OAR”) chapter 441, has investigated the securities salesperson (“salesperson”) license application, and the amendments thereto, of Matthew Miner (“Respondent”).

Respondent has cooperated with the Director’s investigation and wishes to resolve this matter with the Director;

Now, therefore, as evidenced by the signature subscribed herein, Respondent hereby CONSENTS to the entry of this Order.

FINDINGS OF FACT

The Director FINDS that:

1. Respondent is licensed in Oregon to work as a salesperson for a broker-dealer. The Central Registration Depository (“CRD”) number for Respondent is #5755206.
2. In order to become licensed as a salesperson in Oregon, Respondent was required to complete the CRD Uniform Application for Securities Industry Registration or Transfer (“Form U-4”). The Form U-4 includes Disclosure Reporting Pages (“DRP”),



1 wherein Respondent was required to disclose certain information identified therein,  
2 including, but not limited to, the “Financial Disclosure” information set forth in Question  
3 14M of the application. Respondent, as a licensee, has a responsibility to keep the  
4 information in the application, including the information in the DRP, continually updated.

5 3. As part of the salesperson licensing process in Oregon, Respondent completed  
6 a Form U-4, including the Financial Disclosure section of the form, on or about April 13,  
7 2010. Respondent became licensed in Oregon as a salesperson on or about April 13,  
8 2010.

9 4. Question 14M of the Form U-4 asks: “Do you have any unsatisfied judgments  
10 or liens against you?”

11 5. On June 26, 2013, a civil judgment was entered in Multnomah County Circuit  
12 Court against the Respondent (hereinafter, “the civil judgment”).

13 6. Respondent did not file an amendment to his Oregon license application,  
14 including disclosure of the above-described civil judgment, in response to Question 14M  
15 of Form U-4, until March 25, 2014, more than 30 days from the date of occurrence.

## 17 CONCLUSIONS OF LAW

18 The Director CONCLUDES that:

19 7. At all times material to this Order, Respondent has been licensed as a  
20 “salesperson” in Oregon, as defined by ORS 59.015(18)(a).

21 8. Respondent, as a licensed salesperson, is required to amend his license  
22 application on Form U-4 “when there are material changes in the information contained  
23 in the original application.” ORS 59.175(6); OAR 441-175-0105(3)(c).

24 9. In accordance with OAR 441-175-0105(2), Respondent is required to amend  
25 his Oregon license application within 30 days of the occurrence of any material changes  
26 in the information contained in the original application or any amendments thereto.



1 10. Question 14M of the Form U-4, “Financial Disclosure,” requires that a  
2 licensed salesperson disclose the existence of any unsatisfied judgment.

3 11. The civil judgment is a “material change” of the information contained in the  
4 original application, as that term is used in ORS 59.175(6) and OAR 441-175-0105(2).

5 12. Respondent failed to timely file an amendment to his Oregon salesperson  
6 license application within 30 days of the occurrence of a material change, in violation  
7 ORS 59.175(6) and OAR 441-175-0105(2).

8  
9 **ORDERS**

10 The Director issues the following ORDERS:

11 *Final Order to Cease and Desist*

12 13. In accordance with ORS 59.245, Respondent is hereby ORDERED to CEASE  
13 AND DESIST from:

14 A. Failing to timely file a required amendment to his Oregon salesperson license  
15 application after a material change to the information contained in the application, as  
16 required by ORS 59.175(6) and OAR 441-175-0105(2); and

17 B. Violating any provision of Oregon Revised Statutes chapter 59 or Oregon  
18 Administrative Rules chapter 441.

19 *Final Order Assessing Civil Penalty*

20 14. In accordance with ORS 59.995, the Director may assess CIVIL PENALTIES  
21 in an amount not to exceed \$20,000 per violation against persons who violate the Oregon  
22 Securities Law. In the case of a continuing violation, each day’s continuance is a separate  
23 violation, but the maximum penalty for any continuing violation shall not exceed  
24 \$100,000.

25 15. In accordance with ORS 59.995(1), the Director hereby ORDERS Respondent  
26 to pay a CIVIL PENALTY in the total amount of \$5,000 for violations of ORS 59.175(6)

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 and OAR 441-175-0105(2).

2 16. The Director SUSPENDS the collection of \$4,000 of the civil penalty  
3 assessed above, so long as Respondent complies with all terms and conditions of this  
4 Order and all requirements of the Oregon Securities Law. If Respondent complies with  
5 the terms of this Order and the Director has not initiated an enforcement action for new  
6 violations of the Oregon Securities Law during the three-year period from the effective  
7 date of this Order, the Director WAIVES the collection of the suspended CIVIL  
8 PENALTY assessed herein.

9 17. Respondent must pay \$1,000 of the civil penalty at signing, prior to the entry  
10 of this Order.

11 18. The Director reserves the right to immediately take enforcement action,  
12 pursuant to the procedures set forth in ORS 183.745, to impose the suspended CIVIL  
13 PENALTY if Respondent violates any term of this Order.

14 19. This Order is a "Final Order" under ORS 183.310(6)(b). Subject to that  
15 provision, the entry of this Order does not limit other remedies that are available to the  
16 Director under Oregon law.

17 SO ORDERED this 31st day of July, 2015.

18 PATRICK M. ALLEN, Director  
19 Department of Consumer and Business Services

20  
21 /s/ David Tatman  
22 David C. Tatman, Administrator  
23 Division of Finance and Corporate Securities  
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CONSENT OF MATTHEW MINER TO ENTRY OF ORDER

I, Matthew Miner, state that I am a resident of the State of Oregon, that I have read the foregoing Order and that I know and fully understand the contents hereof; that the factual allegations stated herein are true and correct; that I have been advised of my right to a hearing, and that I have been advised of my right to be represented by counsel in this matter; that I voluntarily consent to the entry of this Order without any force or duress, expressly waiving any right to a hearing in this matter; that I understand that the Director reserves the right to take further actions against me to enforce this Order or to take appropriate action upon discovery of other violations of the Oregon Securities Law by me; and that I will fully comply with the terms and conditions stated herein.

I understand that this Order is a public document.

/s/ Matthew Miner  
Matthew Miner

State of Oregon

County of Washington

Subscribed and affirmed before me by Matthew Miner this 28 day of  
July, 2015.

/s/ Kenya Yadira Smith  
Signature of Notary Public