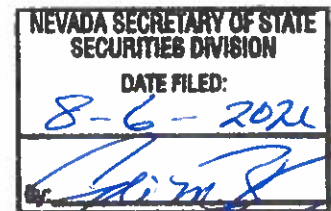


**2250 LAS VEGAS BOULEVARD NORTH, SUITE 400  
NORTH LAS VEGAS, NEVADA 89030**

**File No. INV20-096**



1       **WHEREAS**, in or about 2019, Mr. San Nicolas offered a senior investor over the age of 65  
2 personal seat licenses for the Las Vegas Raiders (hereinafter licenses), as an investment vehicle for  
3 his retirement;

4       **WHEREAS**, in order to complete the transaction, the complainant had Mr. San Nicolas  
5 liquidate nearly all of the funds from one of complainant's Edward Jones accounts and transfer the  
6 proceeds to the complainant's bank account. The complainant then wrote two cashier's checks  
7 totaling \$49,000.00 directly to Mr. San Nicolas;

8       **WHEREAS**, Mr. San Nicolas never provided the licenses to the complainant, despite the  
9 complainant having used nearly all of the funds in one of his Edward Jones accounts to purchase the  
10 licenses;

11       **WHEREAS**, when the complainant asked via text to Mr. San Nicolas's personal cell phone  
12 about the licenses, Mr. San Nicolas told him that ticket sales were slow and that he should wait to sell  
13 the corresponding tickets until he could get a higher price;

14       **WHEREAS**, a member of the Branch Audit department interviewed Mr. San Nicolas on a  
15 routine exam three months after the closing of one of the complainant's accounts, and when asked  
16 about outside business activities, Mr. San Nicolas did not disclose the sale of the licenses to the client;

17       **WHEREAS**, while Respondent had implemented various processes to flag transactions in  
18 senior investors' accounts for potential secondary review, its processes failed to flag this instance of  
19 one of a senior investor's accounts going from holding over \$59,000.00 at the beginning of October,  
20 to holding \$0.19 by the middle of the month in a series of four transactions;

21       **WHEREAS**, upon discovering Mr. San Nicolas' actions, Respondent immediately terminated  
22 him from employment;

23       **WHEREAS**, Respondent has made full remediation to complainant for the money he lost in  
24 this matter, including interest, in a total of \$51,685.00;

**WHEREAS**, Respondent is updating its processes to improve its ability to identify potentially problematic transactions in senior investors' accounts by further analyzing, among other things, data regarding distribution amounts, distribution frequencies, and other risk anomalies;

**WHEREAS**, it is a violation of NRS 90.420 to fail to establish and maintain a system to supervise the activities of its associated persons that is reasonably designed to achieve compliance with the Nevada Securities Act;

**WHEREAS**, Respondent has advised the Division of its desire to resolve the above alleged failure to comply with the requirements of Nevada's Uniform Securities Act, on the terms specified within this Administrative Consent Order;

**WHEREAS**, Respondent elects to permanently and expressly waive any right to a hearing and appeal under the Act and/or to seek judicial review under the Nevada Administrative Procedure Act, NRS Chapter 233B, with respect to this Order.

**NOW THEREFORE**, the Administrator, pursuant to the Act, hereby enters the following:

## ORDER

Finding the following appropriate and in the public's interest, and on the basis of the foregoing, and without either admitting or denying the allegations, Respondent consents to the entry of this Order,

**IT IS HEREBY ORDERED:**

1. Respondent will cease from violating the Act and will comply with said Act.
2. Upon notice of entry of this Order, Respondent will make a payment to the Nevada Secretary of State a civil penalty in the cumulative amount of \$50,000.00, due upon signing of the Respondent consents to entry of this Administrative Order.
3. Upon notice of entry of this Order, Respondent shall submit a check made payable to the Secretary of State in the amount of \$2,762.57 in investigatory costs.
4. All amounts submitted under this section shall be remitted to:


1 Nevada Secretary of State  
2 c/o Stacey Roter  
3 2250 Las Vegas Boulevard North, Suite 400  
4 North Las Vegas, NV 89030

- 5 5. In consideration, the Division will take no further enforcement action against Respondent  
6 based upon the circumstances covered by this investigation and Order and close its  
7 administrative investigation of the Respondent in connection with the aforementioned  
8 activities.
- 9 6. Nothing in this Order shall be construed as a waiver of the Division's right to investigate  
10 and pursue any violations by Respondent in connection with other activity not set forth  
11 herein.
- 12 7. Nothing in this Order is intended to limit or create for third parties any private remedies  
13 against Respondent.
- 14 8. This Order shall be effective as of the date on which it is signed by the Administrator as set  
15 forth below.

16 IT IS SO ORDERED.

17 DATED this 5<sup>th</sup> day of August, 2021.

18 **BY ORDER OF THE ADMINISTRATOR**  
19 Office of the Secretary of State, Securities Division

20   
21 \_\_\_\_\_  
22 ERIN M. HOUSTON  
23 Deputy Secretary for Securities  
24 Securities Administrator  
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