

**STATE OF NEVADA**  
**OFFICE OF THE SECRETARY OF STATE**  
**SECURITIES DIVISION**  
2250 LAS VEGAS BOULEVARD NORTH, SUITE 400  
LAS VEGAS, NEVADA 89030

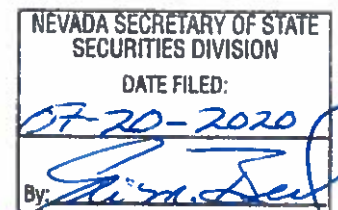
**In the Matter of:**

**STERLING WEALTH MANAGEMENT,  
LLC, CRD No. 283916 ; and SCOTT  
DUANE GARDNER, CRD No. 6720246 ,  
an individual**

**Respondents.**

**ADMINISTRATIVE CONSENT ORDER**

**File No. CIC19-127**



**TO: STERLING WEALTH MANAGEMENT, LLC  
SCOTT DUANE GARDNER  
9516 W. Flamingo Road, Suite 205  
Las Vegas, NV 89147**

**WHEREAS**, STERLING WEALTH MANAGEMENT, LLC (STERLING), CRD No. 283916, is a Nevada registered investment adviser firm located at 9516 W. Flamingo Road, Suite 205, Las Vegas, NV 89147;

**WHEREAS**, Scott Duane Gardner (GARDNER), CRD No. 6720246, is a Nevada registered investment adviser representative, employed at STERLING'S offices at 9516 W. Flamingo Road, Suite 205, Las Vegas, NV 89147;

**WHEREAS**, on September 25, 2019, Compliance/Audit Investigators with the Nevada Securities Division, Office of the Secretary of State (Division), pursuant to the Administrator's authority under NRS § 90.410, conducted an inspection of Respondents to verify compliance with Nevada's Uniform Securities Act (Act);

**WHEREAS**, the Division alleged that the firm failed to accurately update its Form ADV, a violation of NAC § 90.280(3);

**WHEREAS**, the Division alleged that the firm maintained custody over client accounts without instituting proper safeguards, a violation of NAC § 90.3864 and NAC § 90.390(1)(b);

**WHEREAS**, Respondents have cooperated with the Division's inspection by responding to inquiries, and providing documentary evidence;

**WHEREAS**, Respondents have advised the Division of their agreement to resolve the aforementioned alleged failure to comply with the filing requirements in the State of Nevada on the terms specified in this Order; and

**WHEREAS**, Respondents elect 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 interest, and on the basis of the foregoing, and Respondents' consent to the entry of this Order,

#### **IT IS HEREBY ORDERED:**

1. Respondents will cease violating the Act and will comply with said Act.
2. Respondents will pay the Nevada Secretary of State a civil penalty in the cumulative amount of Five Thousand Dollars and No Cents (\$5,000.00).
3. Upon the signing of this Order, Respondents shall submit a check made payable to the Secretary of State in the amount of One Thousand Dollars (\$1,000.00), for its inspection fee in this matter.
4. All civil penalties and fees submitted under this Order shall be remitted to:

Nevada Secretary of State  
c/o Stacey Roter  
2250 Las Vegas Blvd. North, Suite 400  
North Las Vegas, NV 89030

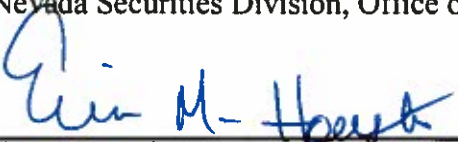
5. Within ninety (90) days of executing this Agreement, Respondent Sterling will submit to the Division a full, independent review of Sterling's policies and procedures and a

detailed statement on steps it has taken to remove itself from taking custody of client funds.

6. This Order supersedes any prior Orders with the Division, including the Administrative Consent Order filed on July 30, 2018 for File No. IA-2345, which is hereby withdrawn, and all requirements and the Supervisory Period are hereby terminated.
7. In consideration of the provisions of this Order, the Division will take no further enforcement action based upon the facts and circumstances covered by the inspection and this Order, and close its administrative investigation of the Respondents in connection with the aforementioned activities.
8. Nothing in this Order shall be construed as a waiver of the Division's right to investigate and pursue any violations by Respondents in connection with other activity not set forth herein and not contemplated by this order.
9. Nothing in this Order is intended to limit or create for third parties any private remedies against Respondents.
10. This Order shall be effective as of the date on which it is signed by the Administrator, as set forth below.

Dated this 20<sup>th</sup> day of July, 2020.

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

  
\_\_\_\_\_  
ERIN M. HOUSTON  
Deputy Secretary for Securities  
Securities Administrator

**CONSENT TO ENTRY OF ADMINISTRATIVE ORDER**

Sterling Wealth Management, LLC, by and through its authorized representative, Scott Duane Gardner, and Scott Duane Gardner, individually (collectively, Respondents), hereby acknowledge that they have been served with a copy of this Administrative Consent Order (ACO), have read the foregoing ACO, are aware of their right to a hearing and appeal in this matter, and have waived the same.

Respondents admit the jurisdiction of the Securities Division, of the Office of the Secretary of State, State of Nevada and consent to the entry of this ACO by the Administrator of the Division as settlement of the issues contained in this ACO.

Respondents aver that no promise of any kind or nature, other than the consideration set forth in this ACO, was made to Respondents to induce them to enter into this ACO, and that they have entered into this ACO voluntarily.

Dated this 15<sup>th</sup> day of July, 2020.

STERLING WEALTH MANAGEMENT, LLC  
SCOTT DUANE GARDNER

By:   
\_\_\_\_\_  
Scott Duane Gardner  
Authorized Representative, and in his  
individual capacity