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WHEREAS, Respondents now elect to permanently and expressly waive any right to a hearing and appeal under the Nevada Uniform Securities Act and/or to seek judicial review under the Nevada Administrative Procedures Act, codified in NRS Chapter 233B, with respect to this Order.

I.

FACTS

1. Respondent Annie C. Evans owned and operated Respondent Summerlin Family Wealth, LLC (CRD No. 189517), at 1980 Festival Plaza Drive, Suite 300, in Las Vegas, NV.

2. Respondent Summerlin Family Wealth, LLC was licensed with the Division as an investment adviser firm from June 18, 2015 through November 29, 2018 when its withdrawal from licensing as a Nevada investment adviser became effective.

3. Respondent Annie C. Evans was licensed with the Division as an investment adviser representative associated with Respondent Summerlin Family Wealth, LLC from June 18, 2015 through November 29, 2018 when Respondent Summerlin Family Wealth, LLC's withdrawal from licensing as a Nevada investment adviser became effective.

4. Prior to and after her association with Respondent Summerlin Family Wealth, LLC, Respondent Annie C. Evans has been licensed as an investment adviser representative with other firms in Nevada since May 2005.

5. Respondent Annie C. Evans acted as an investment adviser representative as defined by NRS 90.278, from October 7, 2015 through October 11, 2018, by being associated with Respondent Summerlin Family Wealth, LLC, providing advice concerning securities and managing accounts or portfolios of clients.

6. At all times relevant, Respondent Summerlin Family Wealth, LLC acted as an investment adviser as defined by NRS 90.250 by engaging in the business of advising others, for compensation, as to the advisability of investing in, purchasing or selling securities.

7. During its operation, Respondent Summerlin Family Wealth, LLC did not establish, maintain, and enforce a written policies and procedures manual.

8. Based upon Respondent Summerlin Family Wealth, LLC's ADV, clients could be charged a fee for services rendered in (3) three ways:

- a. a percentage of AUM on a tiered schedule ranging from .50% to 2.00% annually, for Portfolio Management Services, which is billed and payable **monthly** in arrears based on the balance at the end of the billing period;
 - b. a fixed rate for financial planning services, which generally ranges between \$1000-\$3000; and
 - c. an hourly fee of \$150 for advisory consulting services;
- (emphasis added)

9. Contrary to the firm's ADV, Respondent Summerlin Family Wealth, LLC invoiced three clients *quarterly* in arrears for the billing period October 1 through December 30, 2016 and did not invoice at the end of the billing period as the clients' monthly custodial statements from TD Ameritrade reflected a full month-end reporting period December 1 through 31, 2016.

10. Respondent Summerlin Family Wealth, LLC did not maintain records of market values to support its quarterly arrears billing ending on December 30, which market values, according to Respondent Annie C. Evans, were obtained at market opening.

11. Respondent Summerlin Family Wealth, LLC billed one client on December 5, 2016, for \$561.87, which sum constituted both *arrears* owed for January 1 through December 5, 2016, *and advance* fees for December 6 through December 31, 2016. Billing in arrears beyond the quarter, and in advance was not in accordance with the method reflected in the client's Discretionary Asset Management Agreement.

12. Respondent Summerlin Family Wealth, LLC did not disclose in its ADV Part II (Brochure) the fee structure of charging clients in advance or in any arrears period greater than one month, and of using market values prior to the month end.

13. As set forth above, Respondent Summerlin Family Wealth, LLC failed to properly bill its clients in a manner consistent with both client agreements and its ADV.

II.

CONCLUSIONS OF LAW

14. The Division has jurisdiction over this matter pursuant to the Act, which authorizes the Division to regulate an entity or person acting as an investment adviser. Specifically, NRS 90.420 and NRS 90.630 allow the Division, through its Administrator, to take action against Respondents for violating the Act or any regulation or order adopted or issued under said Act.

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1 15. NRS 90.250 defines "investment adviser" as "any person who, for compensation,
2 engages in the business of advising others as to the value of securities or as to the advisability of
3 investing in, purchasing, or selling securities..."

4 16. NRS 90.278 defines "representative of an investment adviser" as:

5 [A]ny person employed by or associated with an investment adviser
6 who: (a) Provides advice concerning securities; (b) Manages accounts or
7 portfolios of clients; (c) Determines the advice concerning securities that
8 is offered to clients; (d) Solicits for the sale of investment advice, unless
9 the person is a sales representative licensed pursuant to this chapter; (e)
10 Sells, offers to sell, or negotiates for the sale of investment advice; or (f)
Supervises employees who engage in the activities described in
paragraphs (a) to (e), inclusive.

11 17. Pursuant to NRS 90.420(1), the Administrator of the Division may deny, suspend,
12 revoke any license, fine any licensed person, limit the activities governed by this chapter that a licensed
13 person may perform in this State, bar a licensed person from association with a licensed investment
14 adviser or bar from employment with an investment adviser a person who is an investment adviser or
15 representative of an investment adviser, if the Administrator finds that the order is in the public interest
16 and that the licensed person has violated or failed to comply with a provision of this chapter.

17 18. Pursuant to NRS 90.440(3), the Administrator of the Division may institute a proceeding
18 under NRS 90.420 within 2 years after withdrawal became effective and enter an order as of the last
19 date on which licensing was effective.

20 19. Respondent Summerlin Family Wealth, LLC failed to make and keep a written policies
21 and procedures manual as required by 17 CFR § 275.204-2(a)(17)(i), adopted by NAC 90.3864 and
22 NAC 90.387, and failed to adopt and implement and establish, maintain, and enforce a written policies
23 and procedures manual in violation of 17 CFR § 275.206(4)-7, of NRS 90.390(5), and of North
24 American Securities Administrators Association ("NASAA") Model Rule 102(a)(4)-1(q), adopted by
25 NAC 90.3864 and by NAC 90.3868(1).

26 20. Respondent Summerlin Family Wealth, LLC failed to maintain records of market values
27 or provide that information on its billing as required by NASAA Model Rule 102(e)(1)-1(b)(3)(C)(ii),
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1 incorporated by NASAA Model Rule 102(a)(4)-1 and adopted by NAC 90.3864, which is an unethical
2 business practice under NASAA Model Rule 102(a)(4)-1.

3 21. Respondent Summerlin Family Wealth, LLC billed a client a fee combining both fees
4 in advance and fees accrued in arrears, not in accordance with the method reflected in the client
5 agreement, in violation of NASAA Model Rule 102(a)(4)-1(h) and (p) adopted by NAC 90.3868.

6 22. Respondent Summerlin Family Wealth, LLC did not amend its ADV Part II to disclose
7 that it could bill in advance or in arrears for periods greater than monthly, in violation of NAC 90.380(2)
8 and (3).

9 III.

10 ORDER

11 Finding the following appropriate and in the public interest, and on the basis of the foregoing
12 and on Respondents' consent to the entry of this Order,

13 IT IS HEREBY ORDERED:

14 1. Respondent Summerlin Family Wealth, LLC and Respondent Annie C. Evans are
15 hereby ordered to pay the Nevada Secretary of State, on or before this Order is executed, a civil penalty
16 in the amount of Four Thousand Dollars and Zero Cents (\$4,000.00), for which Respondents are jointly
17 and severally liable. The civil penalty shall be deposited with the State Treasurer for credit to the State
18 General Fund pursuant to NRS 90.710(2).

19 2. Respondent Summerlin Family Wealth, LLC and Respondent Annie C. Evans and are
20 hereby ordered to pay the Nevada Secretary of State, on or before this Order is executed, the fee for the
21 Division's inspection of records performed pursuant to NRS 91.410, in the amount of One Thousand,
22 Dollars and Zero Cents (\$1,000.00), for which Respondents are jointly and severally liable.

23 3. Respondent Annie C. Evans' activities are hereby limited, when acting as a
24 representative to an investment adviser, such that her billing practices must be supervised and approved
25 by an investment adviser that she has no control over or by another investment adviser representative
26 who she has no control over.

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1 4. Nothing in this Order shall be construed as a waiver of the Division's right to investigate
2 and pursue any criminal violations by Respondents.

3 5. This Order shall become effective as of the date on which it is signed by the
4 Administrator, as set forth below.

5 6. Pursuant to NRS 90.440(3), as to Respondent Summerlin Family Wealth, LLC, this
6 Order shall be entered on November 29, 2018, the last date on which Respondent Summerlin Family
7 Wealth, LLC was licensed.

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9 DATED this 27th day of June, 2019.

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

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14 ERIN HOUSTON
15 Deputy Secretary for Securities
16 Securities Administrator
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1 **CONSENT TO ENTRY OF ADMINISTRATIVE ORDER**


2 Respondent Annie C. Evans hereby acknowledges that she has been served with a copy of this
3 Order, has read it, is aware of her rights to a hearing and appeal in this matter, and has waived the same.

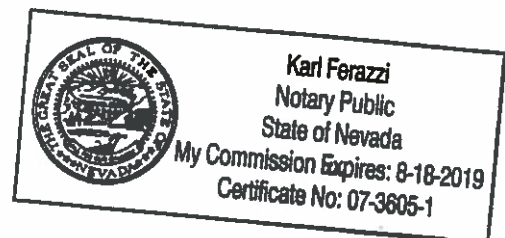
4 Respondent Annie C. Evans admits the jurisdiction of the Securities Division of the Nevada
5 Office of the Secretary of State and consents to entry of this Order by the Administrator of the Division
6 as settlement of the issues contained within this Order.

7 Respondent Annie C. Evans states that no promise of any kind or nature, other than the
8 consideration set forth in the Order, was made to Respondent Annie C. Evans to induce her to enter into
9 this Order and that she has entered into this Order voluntarily.

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12 
Annie C. Evans

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14 Subscribed and sworn to before me
On this 19 day of June, 2019

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16 
17 Notary Public, in and for the
County of Clark, State of Nevada.



1 **CONSENT TO ENTRY OF ADMINISTRATIVE ORDER**

2 Respondent Summerlin Family Wealth, LLC, by through its authorized representative, hereby
3 acknowledges that it has been served with a copy of this Order, has read the foregoing Order, is aware
4 of its rights to a hearing and appeal in this matter, and has waived the same.

5 Respondent Summerlin Family Wealth, LLC, by and through its Authorized Representative,
6 admits the jurisdiction of the Securities Division of the Nevada Office of the Secretary of State and
7 consents to entry of this Order by the Administrator of the Division as settlement of the issues contained
8 within this Order.


9 Respondent Summerlin Family Wealth, LLC, by and through its Authorized Representative,
10 states that no promise of any kind or nature, other than the consideration set forth in the Order, was
11 made to it to induce it to enter into this Order and that it has entered into this Order voluntarily.

12 Annie C. Evans acknowledges that she is the authorized representative for Respondent
13 Summerlin Family Wealth, LLC and that as such, is authorized to enter into this Order for and on behalf
14 of Respondent Summerlin Family Wealth, LLC.

15
16 SUMMERLIN FAMILY WEALTH, LLC

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19 BY: Annie C. Evans
Owner and Investment Adviser Representative

20 Subscribed and sworn to before me
21 On this 19 day of June, 2019

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23 
24 Notary Public, in and for the
County of Clark, State of Nevada.

