

ENTERED  
JAN 11 2021  
ABP 7PM  
COMMISSIONERS OFFICE

COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DIVISION OF SECURITIES  
ADMINISTRATIVE ACTION NO. 2020-AH-0033

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

v.

AGREED ORDER

JOSEPH PETER MOSS  
D/B/A WEALTH BEYOND, LLC

RESPONDENT

STATEMENT OF FACTS

1. The Kentucky Department of Financial Institutions (hereinafter, the "Department") is responsible for administering the provisions of Kentucky Revised Statutes (KRS) Chapter 292, the Securities Act of Kentucky (hereinafter, the "Act"), as well as the rules and regulations enacted thereunder.

2. Joseph Peter Moss (hereinafter, "Respondent") was the organizer and registered agent for Wealth Beyond LLC, a member-managed, limited liability company formed in Kentucky.

3. Respondent's address is 2140 Ft Harrods Dr, Apt 7, Lexington, KY 40513.

4. On June 30, 2019, Respondent filed Articles of Organization for Wealth Beyond LLC with the Kentucky Secretary of State.

5. On September 4, 2019, Respondent sent out unsolicited emails to several individuals, holding himself out to be a financial advisor offering investment advisement services and announcing the opening of Wealth Beyond LLC to solicit a sign up for those services.

6. On September 18, 2019, Respondent sent out another group of unsolicited emails to several individuals holding himself out to be an investment adviser and soliciting clients for his business, including a form requesting personal information, including employment information, income, and investments.

7. Soon after Respondent sent the second group of emails, Respondent was informed, by a peer, that he would need to be registered to conduct this activity. Respondent thereafter filed an application for investment adviser and investment adviser representative registrations with DFI.

8. On or about September 23, 2019, during a review of the registration applications, the Department discovered Respondent's September 4<sup>th</sup> and September 18<sup>th</sup> email solicitations.

9. Respondent was not registered to act as an investment adviser or an investment adviser representative in Kentucky at the time of the above-referenced solicitations.

10. On February 12, 2020, the Kentucky Secretary of State reported a filing of dissolution for Wealth Beyond LLC.

11. On February 26, 2020, the Department's Division of Securities accepted the Respondent's withdrawal of his application for registration with the Department.

#### STATUTORY AUTHORITY

12. KRS 292.330(11) states,

"Investment adviser" means any person who, for compensation, directly or indirectly, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities.

13. KRS 292.330(12) states,

"Investment adviser representative" means an individual employed by or associated with an investment adviser or covered adviser and who makes any recommendations or otherwise gives investment advice regarding securities, manages accounts or portfolios of clients, determines which recommendations or advice regarding securities should be given, provides investment advice or holds himself or herself out as providing investment advice, receives compensation to solicit, offer, or negotiate for the sale of or for selling investment advice, or supervises employees who perform any of the foregoing.

14. KRS 292.330(11) states, "It is unlawful for an individual to transact business in this state as an investment adviser representative unless the individual is registered under this chapter

as an investment adviser representative or is exempt from registration under subsection (12) of this section.”

15. KRS 292.470 states, in pertinent part,

Whenever it appears to the commissioner that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this chapter or any rule or order under this chapter, the commissioner may in his or her discretion bring any or all of the following remedies:...

(3) Issue a final order, after notice and an opportunity for a hearing, containing findings of fact and conclusions of law, directing any person or persons found to have engaged in, or about to be engaged in, activity that constitutes a violation of this chapter or any rule or order under this chapter:

(a) To cease and desist from the activity;

(b) To perform any other reasonable mandates directed by the commissioner pursuant to an appropriate remedy fashioned by the commissioner and reasonably calculated to carry out the provisions of this chapter; or

(c) To pay fines assessed under KRS 292.500(14) and costs assessed under KRS 292.500(15).

16. KRS 292.500(14) states, “The commissioner may impose civil fines against any person who violates any provision of this chapter or any rule or order or voluntary agreement entered into under this chapter. The fine shall not exceed twenty thousand dollars (\$20,000) per violation...”

#### VIOLATIONS

17. Wealth Beyond LLC acted as an unregistered investment adviser when Respondent sent the above-referenced solicitations to several individuals, offering the above-referenced advisory services on behalf of Wealth Beyond LLC.

18. The Respondent acted as an unregistered investment adviser representative, and was not otherwise exempt from registration under the Act, at the time he made the above-referenced solicitations, in violation of KRS 292.330(11).

AGREEMENT AND ORDER

19. To resolve this matter without litigation or other adversary proceedings, the Department and the Respondent agree to compromise and settle all claims arising from the above-referenced factual background in accordance with the terms set forth herein.

20. In the interest of economically and efficiently resolving the violations described herein, it is hereby **AGREED** and **ORDERED**:

- i. Respondent agree to pay a civil fine in the amount of **five hundred dollars (\$500.00)** for the violations described herein, which shall be due and payable within thirty (30) days of the entry of this Order;
- ii. All payments under this Order shall be made either in the form of an ACH payment made via secure website, pursuant to instructions provided to Respondent, or a certified check or money order made payable to "Kentucky State Treasurer" and mailed to the Department of Financial Institutions, Securities Division, 2020-AH-0033, 500 Mero Street, 2SW19 Frankfort, Kentucky 40601;
- iii. Respondent shall cease and desist from any further securities-related solicitations or sales of securities in Kentucky while Respondent is unregistered;
- iv. Respondent shall cease and desist from any future violations of the Act;
- v. Respondent waives his right to demand a hearing at which he would be entitled to legal representation, to confront and cross-examine witnesses, and to present evidence on his own behalf, or to otherwise appeal or set aside this Agreed Order;
- vi. Respondent consents to and acknowledges the jurisdiction of the Department over this matter and that this Agreed Order is a matter of public record and may be disseminated as such;

vii. In consideration of execution of this Agreed Order, Respondent for himself, and for his successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, the Department, Office of Legal Services, and each of their members, agents, and employees in their individual capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, in law or equity, that Respondent ever had, now has, may have or claim to have against any or all of the persons or entities named in this paragraph arising out of or by reason of this investigation, this disciplinary action, this settlement or its administration;

viii. By signing below, the parties acknowledge they have read the foregoing Agreed Order, know and fully understand its contents, and that they are authorized to enter into and execute this Agreed Order and legally bind their respective parties; and

ix. This Agreed Order shall constitute the Final Order in this matter.

SO ORDERED on this the 5th day of January, 2021, 2020.

\_\_\_\_\_  
CHARLES A. VICE  
COMMISSIONER

**Charles A.  
Vice**

Digitally signed by: Charles A. Vice  
DN: CN = Charles A. Vice email =  
Charles.Vice@ky.gov C = US O =  
KY DFI OU = Commissioner's  
Office  
Date: 2021.01.05 10:26:51 -05'00'

**Consented to:**

*On behalf of the Department of Financial Institutions,*

This 5<sup>th</sup> day of January, 2020. 2021

Maei Gibson  
Director, Division of Securities  
Department of Financial Institutions

**AND**

*On his own behalf,*

This 21<sup>st</sup> day of December, 2020.

Joseph Peter Moss  
Respondent

**ACKNOWLEDGEMENT**

STATE OF KY )  
 )  
COUNTY OF Fayette )

On this the 21<sup>st</sup> day of December, 2020, **Joseph Peter Moss**, in my presence, acknowledged himself to be the Respondent named herein, entered into and executed the foregoing instrument for the purposes therein contained, acknowledging the same.

My Commission Expires: 4/24/23

[Signature]  
Notary Public  
622015  
exp 4/24/23



**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Agreed Order was served by certified mail, postage pre-paid, return receipt requested, this 11 day of January, 2020 to:

Joseph Peter Moss  
WEALTH BEYOND LLC  
2140 Ft Harrods Dr, Apt 7  
Lexington, KY 40513  
*Respondent*

And by electronic delivery to:

Brandon Adcock, Staff Attorney III  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
500 Mero Street, 2 SW 19  
Frankfort, KY 40601  
Brandon.Adcock@ky.gov  
*Counsel for Department of Financial Institutions*



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Allison Reed, Record Custodian  
DEPARTMENT OF FINANCIAL INSTITUTIONS