



COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
AGENCY CASE NO. 2018-AH-00057

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

v.

**AGREED ORDER**

THE WEALTH ADVISORY TEAM, LLC  
d/b/a MACKEY ADVISORS

RESPONDENT

**FACTUAL BACKGROUND**

1. The Department of Financial Institutions ("DFI") is the agency within Kentucky state government charged with enforcement of the provisions of Kentucky Revised Statutes ("KRS") Chapter 292 (the "Securities Act of Kentucky") and the rules and regulations enacted thereunder.

2. The Wealth Advisory Team, LLC d/b/a Mackey Advisors (hereinafter "Mackey" or "Respondent") is a Kentucky limited liability company; its principal office is located at 601 Fairfield Ave, Bellevue, KY 41073.

3. DFI's Division of Securities ("Division") conducted a routine examination of Mackey on May 9 - 10, 2018.

4. The May 9 - 10, 2018 exam identified the following deficiencies that must be addressed:

- a. Mackey failed to obtain written advisory contracts, in violation of 808 Kentucky Administrative Regulation ("KAR") 10:450, Section 2(18).
- b. Mackey was found to be utilizing advertisements containing testimonials that may have been provided by clients of Mackey Advisors CPAs, an affiliate of Mackey, ("Affiliate"); however, the testimonials did not disclose or distinguish the services

provided and were therefore confusing to the public. As a result DFI found Mackey to be in violation of 808 KAR 10:450, Section 2 (15)(a).

5. Based on the facts set forth in paragraphs three (3) and four (4), the DFI alleged that Mackey violated the provisions as stated above.

6. The DFI possesses a range of administrative authority in addressing compliance with the Securities Act of Kentucky, including the ability to enter into agreed orders. (see KRS 292.500).

7. In order to resolve this matter without further administrative proceedings or the filing of an Administrative Complaint, the DFI and Mackey hereby agree to resolve any and all claims and/or potential future formal causes of action arising (or which may arise) from the above- referenced factual background in accordance with the terms set forth herein.

#### **ACTIONS FOR COMPLIANCE AND SETTLEMENT**

The DFI and Respondent, in the interest of economically and efficiently resolving this matter, and without Respondent admitting or denying the statements of fact and legal conclusions herein, agree as follows:

8. Mackey agrees that it will ensure compliance with all statutory requirements set forth in the Securities Act of Kentucky, and the regulations set forth in 808 KAR Chapter 10.

9. Mackey and the Affiliate have since established and maintain a separate and distinguishable website for the Affiliate and have revised any testimonial material used by, or relating to, the Affiliate to make clear that such testimonial materials do not relate to Mackey or the services offered by Mackey. Mackey shall continue to ensure that testimonial material relating to the Affiliate or any other affiliate of Mackey are not presented as part of, or in connection with, marketing material generated by Mackey or in a way that may be attributed to

Mackey instead of such affiliate. Mackey will continue to comply with 808 KAR 10:450 with respect to website material and printed advertisements and will seek to ensure that (a) testimonial statements relating to the Affiliate do not appear on the Mackey website or in other advertising material generated by Mackey and (b) advertisements generated by the Affiliate contain a clear statement that such advertisements and any testimonials do not relate to Mackey or services offered by Mackey.

10. Respondent waives its right to demand a hearing at which it would be entitled to legal representation, to confront and cross-examine witnesses, and to present evidence on its behalf, or to otherwise appeal or set aside this Agreed Order.

11. Respondent consents to and acknowledges the jurisdiction of the DFI over this matter. This Order is a matter of public record and may be disseminated as such.

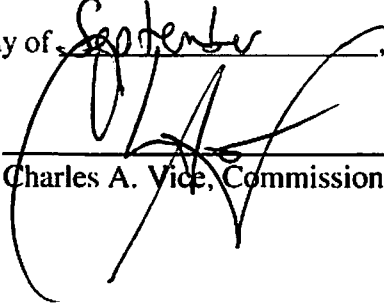
12. In consideration of the execution of this Agreed Order, Respondent for itself, and for its successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, the DFI, Office of Legal Services, and each of their members, agents, and employees in their individual capacities, 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 the 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 settlement.

13. Mackey agrees to a fine assessment in the amount of Two Thousand Dollars (\$2,000) which shall be due at the time this Agreed Order is executed. Mackey shall pay the fine in the form of a certified check or money order made payable to "Kentucky State Treasurer" and mailed to the Department of Financial Institutions, Attn: Division of Securities, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601.

14. DFI acknowledges and agrees that this Agreed Order concludes, and fully and finally resolves, any and all pending investigations of Mackey, and that this Agreed Order shall serve as the Final Order.

15. 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.

IT IS SO ORDERED on this the 18<sup>th</sup> day of September, 2019.

  
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Charles A. Vice, Commissioner



**CERTIFICATE OF SERVICE**

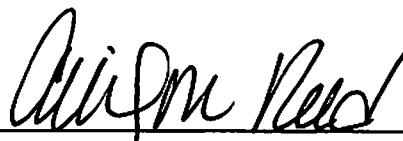
I hereby certify that a copy of the foregoing Agreed Order was sent by certified United States mail, return receipt requested, on this the 11<sup>th</sup> day of September, 2019, to the following:

Andrew Pulsfort  
The Wealth Advisory Team, LLC  
d/b/a Mackey Advisors  
601 Fairfield Ave  
Bellevue, KY 41073

Hon. Michael Hurley  
Calfee, Halter & Griswold LLP  
2800 First Financial Center  
255 East Fifth Street  
Cincinnati, OH 45202-4728

And by hand delivery to:

Kathryn Adams-Cornett  
Legal Counsel  
Department of Financial Institutions  
1025 Capital Center Drive, Ste. 200  
Frankfort, Kentucky 40601



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Allison Reed  
Department of Financial Institutions