

BEFORE THE SECURITIES COMMISSIONER
OF THE STATE OF KANSAS



In the Matter of:

GARTNER FINANCIAL GROUP, LLC (CRD #148539),
and
SCOTT ALAN GARTNER (CRD #1718453),

Docket No. 14 E-~~XXXX~~⁰⁰¹
KSC No. 2013-6110

Respondents.

_____/_____
Pursuant to K.S.A. 17-12a412

EMERGENCY ORDER OF SUSPENSION
and
NOTICE OF INTENT TO IMPOSE ADMINISTRATIVE SANCTIONS

COMES NOW the above-entitled matter for consideration by the Securities
Commissioner of Kansas. Upon due deliberation, the Commissioner finds as follows:

Findings of Fact

JURISDICTION

1. Pursuant to K.S.A. 17-12a601, the Securities Commissioner of Kansas is charged with administering the Kansas Uniform Securities Act.
2. Pursuant to K.S.A. 17-12a412, found in the Kansas Uniform Securities Act, an order may be issued to revoke, suspend, condition the registration of, or penalize a person or entity that is registered with the Office of the Kansas Securities Commissioner as a broker-dealer, agent of a broker-dealer, investment adviser, or investment adviser representative.
3. At the time when the actions relevant to this matter occurred, Respondent Gartner Financial Group, LLC (Gartner Financial) was, and currently is, registered with the Office of the Kansas Securities Commissioner as an investment adviser.

4. At the time when the actions relevant to this matter occurred, Respondent Scott Alan Gartner (Gartner) was, and currently is, registered with the Office of the Kansas Securities Commissioner as an investment adviser representative.

5. Accordingly, the Kansas Securities Commissioner has jurisdiction over this matter.

RELEVANT TIME PERIOD

6. All actions and transactions relevant to this matter occurred between March 1, 2013 and July 25, 2013.

RESPONDENTS

7. At the time when the actions relevant to this matter occurred, Respondent Gartner Financial was a limited liability company organized under the laws of the State of Kansas and had a registered address of 13237 Earnshaw Street, Overland Park, Kansas 66213.

8. Currently, Respondent Gartner Financial is in forfeited status with the Kansas Secretary of State's Office.

9. Respondent Gartner Financial has a current business address of 5127 S.W. Brentwood Road, Topeka, Kansas 66606.

10. Respondent Gartner is an individual with a current business and residential address of 5127 S.W. Brentwood Road, Topeka, Kansas 66606.

11. Respondent Gartner is the direct owner, president, chief executive officer, and chief compliance officer of Respondent Gartner Financial.

IMPEDING AN AUDIT OR INSPECTION

12. Pursuant to K.S.A. 17-12a412(d)(8), the Securities Commissioner of Kansas may discipline a person registered as an investment adviser or investment adviser representative for

impeding an audit or inspection and/or willfully failing to comply with a request for information by the Securities Commissioner or person designated by the Securities Commissioner in conducting investigations or audits.

13. On May 14, 2013, the Office of the Kansas Securities Commissioner mailed Respondents a letter notifying them that the Office of the Kansas Securities Commissioner had scheduled a compliance inspection for Respondent Gartner Financial.

14. The May 14, 2013, letter contained 22 specific requests for information and documents that Respondents were to provide to the Office of the Kansas Securities Commissioner.

15. The May 14, 2013, letter specified that the requested documents and information were to be delivered to the Office of the Kansas Securities Commissioner no later than May 24, 2013.

16. Respondents did not deliver the documents and information that were requested by the May 14, 2013, letter on or before May 24, 2013.

17. On June 4, 2013, the Office of the Securities Kansas Commissioner sent an email to Respondents informing them that they had not responded to the May 14, 2013, letter. A copy of the May 14, 2013, letter was attached to the email.

18. Respondents did not respond to the June 4, 2013, email.

19. On July 10, 2013, a representative from the Office of the Kansas Securities Commissioner drove to Respondents' address and personally handed Respondent Gartner a copy of the May 14, 2013, letter.

20. On July 10, 2013, the Office of the Kansas Securities Commissioner sent Respondents, via U.S. mail and email, a follow-up letter informing Respondents that their

response to the May 14, 2013, letter must be delivered to the Office of the Kansas Securities Commissioner on or before July 12, 2013.

21. On July 12, 2013, Respondent Gartner contacted the Office of the Kansas Securities Commissioner via telephone and stated that he intended to cease conducting business as an investment adviser representative for lack of activity and withdraw the registration of Respondent Gartner Financial as an investment adviser rather than provide the requested information to the Office of the Kansas Securities Commissioner.

22. During the July 12, 2013, telephone conversation, Respondent Gartner agreed to appear at the Topeka office of the Office of the Kansas Securities Commissioner at 1:30 p.m. on July 18, 2013. Additionally, Respondent Gartner was instructed to bring all documents and information requested by the May 14, 2013, letter.

23. Respondent Gartner appeared at the Topeka office of the Office of the Kansas Securities Commissioner at approximately 1:40 p.m. on July 18, 2013.

24. On July 18, 2013, Respondent Gartner did not bring, to the Topeka office of the Office of the Kansas Securities Commissioner, any of the documents and information requested by the May 14, 2013, letter.

25. At the conclusion of the July, 18, 2013, interview, Respondent Gartner was given a list of documents that he had agreed to provide during the course of the interview.

26. Respondent Gartner agreed to deliver the documents requested on the list referenced in Paragraph 25, above, on or before Tuesday July 23, 2013.

27. Respondent Gartner did not deliver the documents requested on the list referenced in Paragraph 25, above, on or before Tuesday July 23, 2013.

28. As of the date of this order, Respondents have not provided any of the information or documents requested by the Office of the Kansas Securities Commissioner pursuant to the May 24, 2013, request letter.

29. As of the date of this order, Respondents have not provided any of the documents requested on the list referenced in Paragraph 25, above.

30. During the July 18, 2013, interview, Respondent Gartner disclosed to representatives from the Office of the Kansas Securities Commissioner that he had invested \$10,000 of his own money in a 1913 gold-backed Chinese government bond (Chinese bond).

31. During the July 18, 2013, interview, Respondent Gartner stated that he had not invested any other person's monies in the Chinese bond.

32. Despite Respondent Gartner's assertions to representatives from the Office of the Kansas Securities Commissioner that he had not invested any other person's monies in the Chinese bond, on March 27, 2013, Respondent Gartner visited [REDACTED] at [REDACTED] home in [REDACTED], Kansas.

33. During the March 27, 2013, visit, Respondent Gartner claimed he had a good deal that would double [REDACTED] investment in 90 days.

34. During the March 27, 2013, visit, [REDACTED] gave Respondent Gartner a check for \$10,000 made payable to Respondent Gartner personally.

35. Respondent Gartner used the \$10,000 that he received from [REDACTED] to purchase an interest in the Chinese bond described in Paragraph 30, above.

36. Respondent Gartner supplied false information to representatives of the Office of the Kansas Securities Commissioner when he stated that he did not invest monies from any other person in the Chinese bond.

Conclusions of Law

1. The Securities Commissioner of Kansas has jurisdiction over this matter pursuant to K.S.A. 17-12a412.

2. Respondents have impeded staff for Office of the Kansas Securities Commissioner from conducting an audit or inspection, in violation of K.S.A. 17-12a412(d)(8).

3. Respondents, willfully and without cause, failed to comply with requests for information made by staff for the Office of the Kansas Securities Commissioner, in violation of K.S.A. 17-12a412(d)(8).

4. By impeding an audit or inspection and failing to comply with requests for information made by staff for the Office of the Kansas Securities Commissioner, Respondents have prevented the Office of the Kansas Securities Commissioner from carrying out its statutory duty to administer the Kansas Uniform Securities Act and have thus created an immediate danger to Kansas investors.

5. Pursuant to K.S.A. 17-12a412(f) and K.S.A. 77-536, an emergency order of suspension is necessary in this matter to prevent harm to the public.

IT IS THEREFORE ORDERED by the Securities Commissioner that:

1. Respondent Gartner Financial Group, LLC is immediately suspended from conducting business as an investment adviser in the state of Kansas.

2. Respondent Scott Alan Gartner is immediately suspend from conducting business as an investment adviser representative in the state of Kansas.

3. The suspensions ordered herein shall remain in effect until this order is modified or vacated by further proceedings held in this matter.

FURTHERMORE, the Securities Commissioner hereby notifies the Respondents that he intends to impose, based upon the above Findings of Fact and Conclusions of Law, the following administrative sanctions:

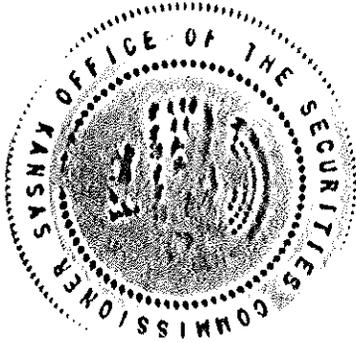
1. A civil penalty of no more than \$25,000 against Respondent Gartner Financial Group, LLC,
2. Revocation of the registration of Respondent Gartner Financial Group, LLC as an investment adviser in the state of Kansas,
3. A civil penalty of no more than \$25,000 against Respondent Scott Alan Gartner, and
4. Revocation of the registration of Respondent Scott Alan Gartner as an investment adviser representative in the state of Kansas.

Opportunity for Hearing

If the Respondents wish to contest the Findings of Fact and Conclusions of Law set forth herein, the Respondents must file a request for hearing within thirty (30) days after service of this Order. The request for hearing must be in the manner and form prescribed by K.A.R. 81-11-5, and it must be filed with the Office of the Kansas Securities Commissioner, 109 SW 9th Street, Suite 600, Topeka, Kansas 66612. The request for hearing must be verified under oath by the Respondents and, if the Respondents dispute any of the Findings of Fact or Conclusions of Law set forth herein, the Respondents shall specifically deny such findings/conclusions or they will be deemed admitted. In addition, the Respondents may offer evidence and argument to mitigate the findings/conclusions set forth herein. If the findings/conclusions are properly disputed, a hearing officer will be appointed and the matter will be set for hearing. If no request for hearing is filed within thirty (30) days after service of this Order, this Order will be modified to include the above enumerated sanctions and will become final by operation of law.

IT IS SO ORDERED BY THE COMMISSIONER.

Entered at Topeka, Kansas, this 30th day of July, 2013.



Joshua A. Ney
Acting Securities Commissioner
State of Kansas