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6 Attorneys for Complainant

8 BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT
9 OF THE STATE OF CALIFORNIA

11 In the Matter of the Desist and Refrain Order)
against) **STIPULATION TO DESIST AND**
12) **REFRAIN ORDER AND CLAIM FOR**
13) **ANCILLARY RELIEF**
14 EKHOLM WEALTH MANAGEMENT, a)
business organization form unknown, and)
15 BROOKS EKHOLM LEWIS,)
16)
17)
18)
19)

21 IT IS HEREBY STIPULATED AND AGREED between EKHOLM WEALTH
22 MANAGEMENT and BROOKS EKHOLM LEWIS (collectively, "Respondents"), on the one hand,
23 and the California Commissioner of Business Oversight ("Commissioner"), on the other hand, as
24 follows:

25 WHEREAS, Respondents, without admitting any of the findings contained within the Desist
26 and Refrain Order and Claim for Ancillary Relief (hereinafter, the "Order"), hereby stipulates to the
27 issuance of the Order, in the form attached hereto as Exhibit A;

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1 WHEREAS, Respondents agree to the finality of the Order, and agree that the Order shall
2 remain in effect and is public;

3 WHEREAS, Respondents agree to comply with the desist and refrain order in the Order and
4 agree to disgorge fees as specified in the Order, and as follows:

5 1) The disgorgement of all investment advisory fees paid by clients who are California
6 residents to Respondents since Brooks Ekholm Lewis left his former investment adviser firm in 2012,
7 which Respondents previously reported were at least \$23,260, shall be made payable and delivered to
8 those clients no later than February 27, 2015;

9 2) Respondents agree, in reports due to Adam Wright on March 6, 2015 and March 30,
10 2015, to include a schedule of the payments made to California residents, including a listing of the
11 Residents' names, phone numbers, current addresses, dates of payment, check numbers associated
12 with the payments, whether the checks are cashed or uncashed, whether any checks were returned,
13 and the reasons why any checks have been returned;

14 3) Respondents agree to comply with the escheat provision of Title 10 of Part 3 of the
15 Code of Civil Procedure for payments that remain unclaimed;

16 WHEREAS, Respondents waive all rights to any hearing of the Order, and waive any review
17 by a court of law of the Order;

18 WHEREAS, Respondents agree that nothing in the Stipulation shall preclude the
19 Commissioner, or her agents or employees, to the extent authorized by law, from assisting in any
20 investigation and/or action brought by any other federal, state, or local agency, or from referring the
21 matter to any of those agencies; and Respondents further agree that this Stipulation shall not bind or
22 otherwise prevent any of those agencies from the performance of its duties;

23 WHEREAS, Respondents agree that the delivery by certified mail of the executed Order by
24 the Commissioner to Brooks Ekholm Lewis shall constitute valid service of the Order;

25 WHEREAS, Respondents enter into this Stipulation voluntarily and without coercion and
26 acknowledges that no promises, threats, or assurances have been made by the Commissioner or her
27 agents or employees about this Stipulation;

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1 WHEREAS, Respondents agree that this Stipulation may be executed in one or more separate
2 counterparts, each of which when so executed, shall be deemed an original, and these counterparts
3 shall together constitute and be one and the same instrument.
4

5 Dated: 1/26/15
6 Sacramento, California

JANN LYNN OWEN
Commissioner of Business Oversight

7 By _____
8 MARY ANN SMITH
9 Deputy Commissioner
10 Enforcement Division

11 Dated: 1/21/15
12 San Diego, California

EKHOLM WEALTH MANAGEMENT

13 By _____
14 BROOKS EKHOLM LEWIS, Principal

15 Dated: 1/21/15
16 San Diego, California

17 By _____
18 BROOKS EKHOLM LEWIS, an individual
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