

FILED

FEB 27 2020

Kansas
Securities Commissioner

BEFORE THE SECURITIES COMMISSIONER
OF THE STATE OF KANSAS

In the Matter of:

VIP Advisors, LLC (CRD No. 160106)

Docket No. 20E079

KSC No. 2019-6598

Respondent.

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

CONSENT ORDER

1. The Staff of the Office of the Kansas Securities Commissioner ("KSC Staff") allege that VIP Advisors, LLC ("VIP Advisors") engaged in conduct constituting violations of the Kansas Uniform Securities Act, K.S.A. 17-12a101 *et seq.* ("the KUSA"), and that VIP Advisors is subject to disciplinary sanctions and remedies under K.S.A. 17-12a604.
2. VIP Advisors and KSC Staff desire to settle the matters raised by KSC Staff relating to VIP Advisor's alleged violations.

CONSENT TO JURISDICTION

3. VIP Advisors and KSC Staff stipulate and agree that, under the KUSA, the Securities Commissioner of Kansas ("the Commissioner") has jurisdiction over VIP Advisors and this matter.
4. VIP Advisors and KSC Staff stipulate and agree that the Commissioner has authority to enter this Order under K.S.A. 17-12a412.

WAIVER AND EXCEPTION

5. VIP Advisors waives his right to a hearing with respect to these matters.
6. VIP Advisors waives any rights that it may have to seek judicial review or otherwise challenge or contest the terms and conditions of this Order.
7. VIP Advisors specifically forever releases and holds harmless the Commissioner, KSC Staff, and their respective representatives and agents from any and all liability and claims arising out of, pertaining to, or relating to this matter.
8. VIP Advisors stipulates and agrees that, should the facts contained herein prove to be false or incomplete, the Commissioner and KSC Staff reserve the right to pursue any and all legal and administrative remedies at their disposal.

CONSENT TO THE COMMISSIONER'S ORDER

9. VIP Advisors and KSC Staff agree to the issuance of this Order without further proceedings in this matter, and agree to be fully bound by the terms and conditions specified herein.
10. Without admitting or denying the allegations made by the KSC Staff as reflected in the Findings of Fact and Conclusions of Law set forth below, VIP Advisors agrees to the issuance of this Order on the basis of such Findings of Fact and Conclusions of Law solely for the purposes of this proceeding and any proceeding that may be brought to enforce the terms of this Order.
11. VIP Advisors agrees to not take any action nor to make or permit to be made any public statement creating the impression that this Order is without a factual basis.

Nothing in this Order affects VIP Advisor's testimonial obligations or right to take legal or factual positions in defense of litigation or in defense of other legal proceedings in which the Commissioner is not a party.

FINDINGS OF FACT

12. VIP Advisors is a limited liability company that has been registered as an investment adviser under the KUSA since April 26, 2012. VIP Advisors' principal place of business is located at 8100 Marty Street, Suite 100A, Overland Park, KS 66204.
13. VIP Advisors' Chief Compliance Officer and Managing Member is Doug R. Voss ("Voss"), CRD # 2286879. Voss has a last known address of [REDACTED]
[REDACTED]
14. K.A.R. 81-14-1(b)(3)(B) requires every investment adviser registered under the KUSA to file an annual updating amendment to its Form ADV within 90 days after the end of the investment adviser's fiscal year.
15. VIP Advisors' fiscal year ends December 31 of each year. Under K.A.R. 81-14-1(b)(3)(B), VIP Advisors' annual updating amendments must be filed by March 31 of the following year.
16. KSC Staff mailed a notice to VIP Advisors each November it has been registered under the KUSA, reminding VIP Advisors of its obligation to file its annual updating amendment to Form ADV by the following 31st day of March.

17. Despite such reminders, VIP Advisors routinely failed to timely file its annual updating amendment to Form ADV, as required by K.A.R. 81-14-1(b)(3)(B), after fiscal years ending 2014, 2015, 2016, 2017, and 2018.
18. VIP Advisors filed its annual updating amendment to Form ADV after the March 31 deadline on the following dates: April 22, 2015; April 9, 2016; May 2, 2017; May 21, 2018; and April 1, 2019.
19. In a letter dated June 4, 2019, KSC Staff requested information from VIP Advisors, including the person responsible for filing VIP Advisors' annual amendments, a copy of VIP Advisors' written supervisory procedures pertaining to the firm's regulatory filings, and an explanation for the untimely filings.
20. In a letter dated June 10, 2019, Voss stated that he is responsible for filing VIP Advisors' annual updating amendment to Form ADV. Additionally, Voss stated that the annual filing requirement occurs during tax filing season which is a busy time because he owns and operates a tax preparation business.

CONCLUSIONS OF LAW

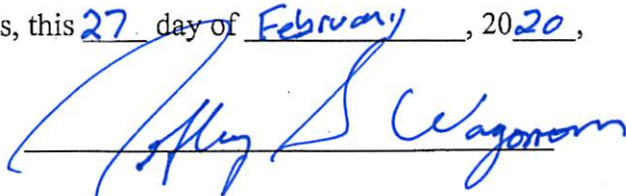
21. The Commissioner has jurisdiction over VIP Advisors and this matter.
22. VIP Advisors violated K.A.R. 81-14-1(b)(3)(B) each of the years it failed to file its annual updating amendment to Form ADV within 90 days after the end of their fiscal year.
23. VIP Advisors' violation of K.A.R. 81-14-1(b)(3)(B) is grounds for discipline under K.S.A. 17-12a412(d)(2).

ORDER

IT IS THEREFORE ORDERED that VIP Advisors shall pay a civil penalty in the amount of \$500.00. Payment shall be in the form of a cashier's check made payable to the "Office of the Kansas Securities Commissioner," and delivered to Kansas Insurance Department, Securities Division, Attention Jack Clayton Johnson, 1300 SW Arrowhead Road, Topeka, KS 66604. Such payment shall be made within 30 days of service of this Order upon VIP Advisors. Upon receipt, such payment shall be deposited in the Investor Education and Protection Fund.

IT IS SO ORDERED BY THE COMMISSIONER.

Entered at Topeka, Kansas, this 27 day of February, 2020,




Jeffrey S. Wagaman
Kansas Securities Commissioner

CONSENTED TO BY:



Thomas E. Knutzen, Kansas Bar No. 24471
Chief Litigation Counsel
OFFICE OF THE KANSAS SECURITIES COMMISSIONER
Attorney for KSC Staff



Doug R. Voss
Managing Member and Chief Compliance Officer
VIP ADVISORS, LLC
Respondent



NOTICES

(1) A party to this action may petition the Commissioner for reconsideration within 15 days after service of a final order, following the procedures in K.S.A. 77-529. Under K.S.A. 77-528, a party may petition for a stay of effectiveness of this order until the time at which a petition for judicial review would no longer be timely.

(2) This decision may be subject to judicial review. The agency officer to receive service of a petition for judicial review on behalf of the Office of the Securities Commissioner is Jack Clayton Johnson, Chief Regulatory Counsel, at 1300 SW Arrowhead Road, Topeka, Kansas 66604.