

STATE OF NORTH DAKOTA

BEFORE THE

COUNTY OF BURLEIGH

SECURITIES COMMISSIONER

In the Matter of Drew A. Likness,)
)
 Respondent)

CONSENT ORDER

.....
The North Dakota Securities Commissioner has conducted an investigation into the above-captioned matter, has advised the respondent, Drew A. Likness, that the Commissioner is prepared to commence formal action pursuant to North Dakota Century Code Chapter 10-04 and has determined as follows:

1. Piper Jaffray & Co., (Piper Jaffray) is a securities dealer headquartered in Minneapolis, Minnesota. Piper Jaffray is, and for all times relevant to this matter, has been registered as a dealer with the Securities Department.
2. Respondent, Drew A. Likness is an individual who was formerly a securities agent employed by and associated with Piper Jaffray. For all times relevant to this matter, Likness has been registered as a securities agent with the Securities Department. Likness is not currently registered as an agent of any securities dealer.
3. From 2000 to 2002, Respondent, as an agent of Piper Jaffray, conducted several transactions in the accounts of a North Dakota resident. The subject transactions were not suitable to the investment objectives and risk tolerance of the investor. This activity was conducted in violation of Section 73-02-09-02(3) N.D.A.C.
4. Several of the transactions described in paragraph 3, above, were conducted without the authorization of the investor, and without any written authorization to exercise discretion in the account. This activity was conducted in violation of Sections 73-02-09-02(4-5) and 73-03-09-03(6) N.D.A.C. and Section 10-04-15 N.D.C.C.
5. With regard to at least seven of the transactions set forth above, trade confirmation statements were improperly marked "unsolicited".
6. Pursuant to Section 10-04-16 N.D.C.C., when it shall appear to the Commissioner that any person has engaged in, or is engaging in, or is about to engage in any act or practice which is declared illegal in this chapter, the Commissioner may issue any order and collect civil penalties against any person found in an administrative action to have violated any provision of the chapter in an amount not to exceed \$10,000 for each violation. The violations described above

are sufficient grounds for the Commissioner to assess civil penalties against the Respondent pursuant to Section 10-04-16(1) N.D.C.C.

7. Respondent acknowledges its right to a hearing on this matter and waives this right to a hearing and to present arguments to the Commissioner.

8. Respondent agrees to resolve this matter with the Securities Commissioner by this Consent Order.

9. The following Order is necessary and appropriate in the public interest and for the protection of investors.

NOW, THEREFORE, IT IS ORDERED, THAT:

1. Respondent is hereby assessed a civil penalty of \$10,000, \$5,000 of which shall be suspended and shall never become due and payable as long as the Respondent complies with each of the following:

a. Respondent shall pay \$5,000 to the North Dakota Securities Department according to the following terms:

i. On the date that this Order is executed by the Securities Commissioner, Respondent shall pay \$50.

ii. Beginning the month immediately following the execution of this Consent Order by the Securities Commissioner, and continuing through November of 2006, Respondent shall pay \$50 per month on or before the first day of each month.

iii. On or before December 1, 2006, Respondent shall make a balloon payment for the balance of \$5,000 less moneys paid pursuant to paragraph i and ii, above.

b. Respondent shall not engage in the business of selling securities in North Dakota, unless or until he is registered as a securities agent and properly affiliated with a registered dealer.


c. Respondent shall not engage in any violations of the North Dakota Securities Act.

2. Respondent shall not apply to be registered as an agent in North Dakota until the Respondent has made all payments as required by paragraph 1a.

3. This Order shall be effective upon signature of the Commissioner.

Signed and Sealed this 5th day December, 2004.





Karen J. Tyler, Securities Commissioner
Office of the Securities Commissioner
State Capitol-5th Floor
600 East Boulevard Ave.
Bismarck, ND 58505-0510
(701) 328-2910

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)
 Respondent.)

**CONSENT TO ENTRY
OF ORDER**

.....
Based on mutual concessions and a willingness to resolve all matters discussed in the foregoing Consent Order, the undersigned Respondent, states that:

1. He has read the foregoing Consent Order, and knows and fully understands its contents and effects.
2. He has been advised of his right to a hearing with regard to this matter, and has specifically waived his right to a hearing.
3. He has been advised that any willful violation of this order is a Class B Felony pursuant to Section 10-04-18(1) N.D.C.C. and is punishable by a \$10,000 fine and 10 years' imprisonment, with respect to a natural person, pursuant to Section 12.1-32-01(3) N.D.C.C. or by a \$35,000 fine with respect to an organization, pursuant to Section 12.1-32-01.1(2) N.D.C.C.
4. The foregoing Consent Order constitutes the entire settlement agreement between the Respondent and the Securities Commissioner, there being no other promises or agreements, either expressed or implied.
5. He admits the accuracy of the factual determinations of the Commissioner, as set forth in the foregoing Consent Order, and is specifically precluded from denying those determinations in any forum, public or otherwise.
6. He consents to entry of the foregoing Consent Order by the Securities Commissioner, and does so willingly for the purpose of resolving the issues described in the foregoing Consent Order.

Dated this 2 day of December, 2004.



Drew A. Likness
3104 31st Street, S.
Fargo, ND 58103

Subscribed and Sworn before me this 2nd day of December 2004.



Notary Public
State: _____ County: _____
My Commission Expires: _____

(Notary Seal)

