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**STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
SECURITIES DIVISION**

IN THE MATTER OF DETERMINING  
whether there has been a violation of the  
Securities Act of Washington by:

Bayhill Advisors, Inc., CRD No. 127419,  
and Michael S. Tumer, CRD No. 1639551,

Respondents.

Order Number S-18-2404-CO01

CONSENT ORDER

10 Pursuant to the Securities Act of Washington, Chapter 21.20 RCW, the Securities Administrator of  
11 the Department of Financial Institutions Securities Division (“Securities Division”) and the Respondents  
12 Bayhill Advisors, Inc. and Michael S. Tumer (“Tumer”), do hereby enter into this CONSENT ORDER in  
13 settlement of the matters alleged herein. Respondents neither admit nor deny the Findings of Fact and  
14 Conclusions of Law stated below.

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**FINDINGS OF FACT**

*Respondents*

18 1. Michael S. Tumer (“Tumer”) is a California resident who holds himself out as a financial  
19 planner, doing business as Bayhill Advisors, Inc.

20 2. Bayhill Advisors, Inc. (“Bayhill Advisors”) is a California limited liability company that  
21 offers financial planning services and coaching and whose primary place of business is in Davis,  
22 California.

23  
24  
25 CONSENT ORDER

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**DEPARTMENT OF FINANCIAL INSTITUTIONS  
Securities Division  
PO Box 9033  
Olympia, WA 98507-9033  
360-902-8760**

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*Securities Registrations*

3. Bayhill Advisors has been registered with the California Department of Business Oversight as an investment adviser, Central Registration Depository (“CRD”) number of 127419, from 2000 to present.

4. Tumer, CRD# 1639551, has been registered with the California Department of Business Oversight as an investment adviser representative of Bayhill Advisors from 2000 to present.

*Nature of Conduct*

5. From at least 2002 to March, 2018, Bayhill Advisors and Tumer served Washington residents as financial planners and prior to June, 2014, had fewer than six Washington based clients. The Washington Securities Act makes it unlawful for any person to transact business in this state as an investment adviser or investment adviser representative unless the person is so registered or exempt from registration. There is an exemption, among others, from Washington registration for an out of state investment advisor with fewer than six clients, who are residents of Washington.

6. Bayhill Advisors and Tumer have held themselves out on their website at [www.bayhilladvisors.com](http://www.bayhilladvisors.com) as “A privately-owned, independent financial planning and investment management company.” From at least 2014 to early 2018, Bayhill Advisors and Tumer have provided investment advice and financial planning services to six or more Washington financial planning clients. Tumer recommended the purchase of various securities investments to his Washington clients primarily to fund their retirement programs. Bayhill Advisors and Tumer charged his Washington clients fees totaling approximately \$35,000 for advisory services during this period.

7. During the relevant time period in question, from 2014 to early 2018, Bayhill Advisors and Tumer were not registered with the Securities Division as an investment adviser and Tumer was not registered as an investment adviser representative.

Based upon the above Findings of Fact, the following Conclusions of Law are made:

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## CONCLUSIONS OF LAW

1. Respondent Bayhill Advisors acted an investment adviser as defined in RCW 21.20.005(8) by holding itself out as a financial advisor and planner and, for compensation, engaging in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or, for compensation and as a part of a regular business, issuing or promulgating analyses or reports concerning securities.

2. Respondent Tumer acted as an investment adviser representative and/or an investment adviser as defined in RCW 21.20.005(8) and (9) by holding himself out as a financial advisor and planner and, for compensation, engaging in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or, for compensation and as a part of a regular business, issuing or promulgating analyses or reports concerning securities.

3. Respondent Bayhill Advisors violated RCW 21.20.040 by holding itself out to the public as a financial planner and transacting business as an investment adviser while not registered or exempt from registration in Washington.

4. Respondent Tumer violated RCW 21.20.040 by holding himself out to the public as a financial planner and transacting business as an investment adviser representative and/or investment adviser while not registered or exempt from registration in Washington.

## CONSENT ORDER

Based upon the foregoing and finding it in the public interest:

IT IS AGREED AND ORDERED that Respondents Bayhill Advisors and Tumer will each cease and desist from further violations of RCW 21.20.040.

IT IS FURTHER AGREED AND ORDERED that Respondents Bayhill Advisors and Tumer will jointly be liable for and pay a fine of \$20,000 prior to the entry of this Consent Order.

1 IT IS FURTHER AGREED that the Securities Division has jurisdiction to enter this Consent  
2 Order.

3 IT IS FURTHER AGREED that Respondents Bayhill Advisors and Tumer enter into this Consent  
4 Order freely and voluntarily and with full understanding of its terms and significance.

5 IT IS FURTHER AGREED that this Consent Order will alone not constitute a bar to the approval  
6 of an investment adviser or investment adviser representative application of Respondents Bayhill Advisors  
7 and Tumer by the Securities Division.

8 IT IS FURTHER AGREED that in consideration of the foregoing, Respondents Bayhill Advisors  
9 and Tumer each waive their right to a hearing and to judicial review of this matter pursuant to RCW  
10 21.20.440 and Chapter 34.05 RCW.

11 **AUTHORITY AND PROCEDURE**

12 This Order is entered pursuant to the provisions of chapter 21.20 RCW and is subject to the  
13 provisions of RCW 21.20.120 and Chapter 34.05 RCW. The Respondents have been notified of their right  
14 to an administrative hearing and have waived their right to a hearing.

15 WILLFUL VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.

16 Dated this 24th day of October, 2018.

17 Signed by:

Signed by:

18 /s/

/s/

19 Michael S. Tumer, individually

Bayhill Advisors, Inc. by Michael S. Tumer

20 DATED and ENTERED this 9th day of November, 2018.


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24 WILLIAM M. BEATTY  
Securities Administrator

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Approved by:

Presented by:



/s/

Suzanne Sarason  
Chief of Compliance

Martin Cordell  
Financial Legal Examiner

Reviewed by:



Jack McClellan  
Financial Legal Examiner Supervisor