

File #16266

**STATE OF MINNESOTA  
COMMISSIONER OF COMMERCE**

In the Matter of the  
Investment Adviser License  
of Benchmark Financial Planning, Inc.

**CONSENT ORDER**

TO: Herbert L. Lewis  
Benchmark Financial Planning, Inc.  
1906 Livingston Ave  
Suite 600  
St. Paul, MN 55118

Commissioner of Commerce Glenn Wilson (hereinafter "Commissioner") has determined as follows:

1. The Commissioner has advised Benchmark Financial Planning, Inc., (hereinafter "Respondent") that he is prepared to commence formal action pursuant to Minn. Stat. § 45.027, subd. 5a (2008) against Respondent based on allegations that on three occasions Respondent failed to renew his investment adviser registration with the Department. Respondent's previous registration expired on December 31, 2009. Respondent engaged in unlicensed investment adviser activity in violation of Minn. Stat. §80A.58 from January 1, 2010 until the firm's new application was submitted to the Department on March 17, 2010.

2. Respondent acknowledges that he has been advised of his right to a hearing in this matter, to present argument to the Commissioner and to appeal from any adverse determination after a hearing, and Respondent hereby expressly waives those rights. Respondent further acknowledges that he has been represented by legal counsel throughout these proceedings, or has been advised of his right to be represented by legal counsel, which right he hereby waives.

3. Respondent has agreed to informal disposition of this matter without a hearing as provided under Minn. Stat. § 14.59 (2008) and Minn. R. 1400.5900 (2009).

4. The following Order is in the public interest.

**NOW, THEREFORE, IT IS HEREBY ORDERED**, that pursuant to Minn. Stat. § 80A.58 (2008) Respondent Benchmark Financial Planning, Inc., shall cease and desist from engaging in unlicensed investment adviser activity.

**IT IS FURTHER ORDERED**, that pursuant to Minn. Stat. § 45.027 subd. 6, Respondent shall pay to the state of Minnesota a civil penalty of \$10,000.00.

This Order shall be effective upon signature on behalf of the Commissioner.

Dated: 4-21-10.

GLENN WILSON  
Commissioner

By:

  
EMMANUEL MUNSON-RIGALA  
Deputy Commissioner  
Market Assurance

85 – 7<sup>th</sup> Place East, Suite 500  
St. Paul, MN 55101-2198  
Telephone: (651) 296-2594

**CONSENT TO ENTRY OF ORDER**

The undersigned, Herbert L. Lewis, acting on behalf of Benchmark Financial Planning, Inc., states that he has read the foregoing Consent Order; that he knows and fully understands its contents and effect; that he is authorized to execute this Consent to Entry of Order on behalf of Benchmark Financial Planning, Inc., that he has been advised of his right to a hearing in this matter; that he has been represented by legal counsel in this matter, or has been advised of his right to be represented by legal counsel; and that he consents to entry of this Order by the Commissioner. It is further understood that this Consent Order constitutes the entire settlement agreement between the parties, there being no other promises or agreements, either express or implied.

**Benchmark Financial Planning, Inc.**

By:

*Herbert L. Lewis*  
Herbert L. Lewis

Its:

*Yes.*

STATE OF MINNESOTA

COUNTY OF

*Dakota*

This instrument was acknowledge before me on 4/16/2010 (date) by Herbert L. Lewis (type of authority, e.g. officer, trustee, etc.) of Benchmark Financial Planning, Inc.

(stamp)



*BriAnne M. Lyle*

(Signature of notary officer)

My Commission expires: 1-31-2015