

**STATE OF ILLINOIS
SECRETARY OF STATE
SECURITIES DEPARTMENT**

**IN THE MATTER OF: James A. Nickels &
The Fiscal Concierge &
The Fiscon Manager, Inc.**

FILE NO. 17-00055

FINAL ORDER OF PROHIBITION

TO RESPONDENTS:

**James A. Nickels (CRD# 347827)
PO Box 843
Manitowoc, WI 54221-0843**

**James A. Nickels (CRD # 347827)
807 Manistee CT
Manitowoc, WI 54220-3021**

**The Fiscal Concierge, LLC.
c/o James A. Nickels
PO Box 843
Manitowoc, WI 54221-0843**

**The Fiscal Concierge, LLC.
c/o James A. Nickels
807 Manistee CT
Manitowoc, WI 54220-3021**

**The Fiscon Manager, Inc.
c/o James A. Nickels
PO Box 843
Manitowoc, WI 54221-0843**

**The Fiscon Manager, Inc.
c/o James A. Nickels
807 Manistee CT
Manitowoc, WI 54220-3021**

WHEREAS, a Temporary Order of Prohibition was issued by the Illinois Secretary of State, on January 23, 2018, temporarily prohibiting the Respondents from offering or selling securities in the State of Illinois for a maximum period of ninety (90) days.

WHEREAS, pursuant to §11(F)(2) of the Illinois Securities Law of 1953 [815 ILCS 5/1 *et. seq.*] (the "Act"), the failure to request a hearing within thirty (30) calendar days of the entry

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of a Temporary Order of Prohibition shall constitute an admission of any facts alleged therein and constitute a sufficient basis to make the Temporary Order final.

WHEREAS, Respondents JAMES A. NICKELS, THE FISCAL CONCIERGE, LLC..., AND THE FISCON MANAGER, INC. have failed to request a hearing on the matters contained in the Temporary Order of Prohibition within thirty (30) calendar days of the entry of said Temporary Order, and the Respondents are hereby deemed to have admitted the facts alleged in the said Temporary Order.

WHEREAS, the Secretary of State, by and through his duly authorized representative, has adopted the Findings of Fact contained in said Temporary Order as the Secretary of State's Findings of Fact as follows:

COUNT I

Omissions and Misrepresentations

1. In or around December 2014, Respondent Nickels met with complainant JM1 and her husband JM2 (collectively, "The Ms") to solicit the Ms' investment in a Promissory Note ("Note").
2. On December 8, 2014, Respondents Nickels and Fiscal Concierge offered and sold to JM1, on behalf of the revocable trust in JM1's name, the Note in the amount of \$150,000.00.
3. At the December 2014 meeting between Nickels and the Ms, Nickels explained to the Ms that Fiscal Concierge was successful and that Nickels was trying to grow the business.
4. At no time prior to the sale of the Note did Nickels make any disclosures to the Ms regarding prior regulatory actions, terminations from prior firms, arbitrations, and civil suits against Nickels;
5. §12(G) of the Illinois Securities Act of 1953 (815 ILCS 5/) Act states, *inter alia*, that it is a violation "[t]o obtain money...through the sale of securities by means of...any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading."
6. The omissions in Point #5 above were material facts and considerations that the Mudrocks, as investors, would need to be apprised of in order to make a considered judgment as to whether or not they wished to invest with the Nickels.
7. By virtue of the foregoing, Respondents violated §12(G) of the Act.

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WHEREAS, the Secretary of State, by and through his duly authorized representative, has adopted the Conclusions of Law contained in the said Temporary Order as the Secretary of State's Conclusions of Law as follows:

1. By virtue of this conduct, Respondent JAMES A. NICKELS, THE FISCAL CONCIERGE, LLC., AND THE FISCON MANAGER, INC. violated §12(G) of the Act.
2. By virtue of the foregoing, Respondents JAMES A. NICKELS, THE FISCAL CONCIERGE, LLC., AND THE FISCON MANAGER, INC, pursuant to §11(F)(2) of the Act, are subject to an Order which permanently prohibits them from offering or selling securities in or from the State of Illinois.

NOW THEREFORE, IT IS HEREBY ORDERED THAT: pursuant to §11(F)(2) of the Act, Respondents JAMES A. NICKELS, THE FISCAL CONCIERGE, LLC., AND THE FISCON MANAGER, INC. are hereby **PROHIBITED** from offering or selling any securities in or from the State of Illinois.

Dated: This 2nd day of March 2018



JESSE WHITE
Secretary of State
State of Illinois

NOTICE: Failure to comply with the terms of this Order shall be a violation of §12(D) of the Act. Any person or entity who fails to comply with the terms of this Order of the Secretary of State, having knowledge of the existence of the Order, shall be guilty of a Class 4 Felony.

This is a final order subject to administrative review pursuant to the Administrative Review Law, [735 ILCS 5/3-101 *et seq.*] and the Rules and Regulations of the Illinois Securities Act, {Ill. Admin Code tit.14 ch.I(4) Pt. 130 Sbpt A *et seq.*} Any action for Judicial Review must be commenced within thirty-five (35) days from the date a copy of this Order is served upon the party seeking review.

Attorney for the Secretary of State:
Mitchell R. Paglia
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Office of the Secretary of State
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