

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 94195 / February 8, 2022

ADMINISTRATIVE PROCEEDING
File No. 3-20739

In the Matter of

KRISTIAN SIERP,

Respondent.

**ORDER INSTITUTING ADMINISTRATIVE
PROCEEDINGS PURSUANT TO SECTION
15(b) OF THE SECURITIES EXCHANGE
ACT OF 1934, MAKING FINDINGS, AND
IMPOSING REMEDIAL SANCTIONS**

I.

The Securities and Exchange Commission (“Commission”) deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted pursuant to Section 15(b) of the Securities Exchange Act of 1934 (“Exchange Act”) against Kristian Sierp (“Respondent” or “Sierp”).

II.

In anticipation of the institution of these proceedings, Respondent has submitted an Offer of Settlement (the “Offer”) which the Commission has determined to accept. Solely for the purpose of these proceedings and any other proceedings brought by or on behalf of the Commission, or to which the Commission is a party, Respondent admits the Commission’s jurisdiction over him and the subject matter of these proceedings, and the findings contained in Section III.B.2. below, and consents to the entry of the Order Instituting Administrative Proceedings Pursuant to Section 15(b) of the Securities Exchange Act of 1934, Making Findings, and Imposing Remedial Sanctions (“Order”), as set forth below.

III.

On the basis of this Order and Respondent’s Offer, the Commission finds that:

A. RESPONDENT

1. Sierp, 50 years old, is a U.S. citizen who was residing in Costa Rica during the relevant conduct. From approximately January 2016 through June 2016, Respondent participated in the offering of Niyato Industries, Inc. (“Niyato”), a company incorporated in Nevada and registered as an operating entity in Charlotte, North Carolina. Respondent, acting as an unregistered broker, recruited investors in the United States to purchase Niyato stock, which is a penny stock, in return for commission payments. From November 1993 through June 2004, Sierp was a registered representative associated with a series of broker-dealers registered with the Commission.

B. RESPONDENT’S CRIMINAL CONVICTION

2. On February 2, 2017, Sierp pleaded guilty to one count of conspiracy to commit mail and wire fraud in violation of Title 18 United States Code, Section 1349 before the United States District Court for the Western District of North Carolina, in United States v. Kristian Sierp, 3:16-cr-221-3-MOC. On May 1, 2018, a judgment in the criminal case was entered against Sierp. He was sentenced to a prison term of 102 months followed by three years of supervised release and ordered to make restitution, jointly and severally with his co-defendants, in the amount of \$1,149,253.75.

3. In connection with that plea, Sierp admitted that:

(a) he participated in a scheme to defraud U.S. residents by convincing them to invest in Niyato under the false pretense that Niyato was a legitimate company with significant operational facilities and proprietary technology;

(b) to induce victims to purchase Niyato stock, he and his co-defendants made numerous false representations about Niyato including, among other things, that Niyato was on the verge of an initial public offering (“IPO”) and would have a value of at least \$5.00 per share after the IPO; and

(c) in return for recruiting investors, he received commissions of approximately 40 percent of a victim investor’s funds, which he used for his personal benefit.

IV.

In view of the foregoing, the Commission deems it necessary and appropriate in the public interest to impose the sanctions agreed to in Respondent’s Offer.

Accordingly, it is hereby ORDERED pursuant to Section 15(b)(6) of the Exchange Act, that Respondent be, and hereby is barred from association with any broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization; and

Pursuant to Section 15(b)(6) of the Exchange Act Respondent be, and hereby is barred from participating in any offering of a penny stock, including: acting as a promoter, finder, consultant, agent or other person who engages in activities with a broker, dealer or issuer for purposes of the issuance or trading in any penny stock, or inducing or attempting to induce the purchase or sale of any penny stock.

Any reapplication for association by the Respondent will be subject to the applicable laws and regulations governing the reentry process, and reentry may be conditioned upon a number of factors, including, but not limited to, compliance with the Commission's order and payment of any or all of the following: (a) any disgorgement or civil penalties ordered by a Court against the Respondent in any action brought by the Commission; (b) any disgorgement amounts ordered against the Respondent for which the Commission waived payment; (c) any arbitration award related to the conduct that served as the basis for the Commission order; (d) any self-regulatory organization arbitration award to a customer, whether or not related to the conduct that served as the basis for the Commission order; and (e) any restitution order by a self-regulatory organization, whether or not related to the conduct that served as the basis for the Commission order.

By the Commission.

Vanessa A. Countryman
Secretary