

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 88860 / May 12, 2020

INVESTMENT ADVISERS ACT OF 1940
Release No. 5503 / May 12, 2020

ADMINISTRATIVE PROCEEDING
File No. 3-19797

In the Matter of

WALLACE BYERS,

Respondent.

ORDER INSTITUTING ADMINISTRATIVE PROCEEDINGS PURSUANT TO SECTION 15(b) OF THE SECURITIES EXCHANGE ACT OF 1934 AND SECTION 203(f) OF THE INVESTMENT ADVISERS ACT OF 1940, 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”) and Section 203(f) of the Investment Advisers Act of 1940 (“Advisers Act”) against Wallace Byers (“Respondent”).

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 paragraph III.2 below, and consents to the entry of this Order Instituting Administrative Proceedings Pursuant to Section 15(b) of the Securities Exchange Act of 1934 and Section 203(f) of the Investment Advisers Act of 1940, 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

1. Byers was the sole owner and operator of WBI Associates, LLC (“WBI”), the entity through which he solicited investments from October 2014 through November 2018. Neither Byers nor WBI has ever been registered with the Commission in any capacity. Byers, 60, is a resident of Miami-Dade County, Florida.

2. On September 25, 2019, Byers pled guilty to three counts of wire fraud in violation of Title 18 United States Code, Section 1343 before the United States District Court for the Middle District of Louisiana, in *United States v. Wallace Byers*, 3:19-cr-00024-BAJ-WED. On February 10, 2020, a judgment in the criminal case was entered against Byers. He was sentenced to a prison term of 121 months followed by three years of supervised release and ordered to make restitution in the amount of \$6,888,000.

3. In connection with that plea, Respondent admitted, *inter alia*, that he solicited victims to invest with him through his company, WBI. Byers focused his solicitations on older individuals and those individuals who had been victims of prior schemes. Byers told his victims that he had been a licensed financial broker for over 25 years when, in fact, he was not a licensed broker. He told victims their money would be invested, variously, in gold production, a lottery company, foreign currency, or “dark pools” or “blind pools.” The money Byers received from victims was not invested, but instead diverted to his personal use.

IV.

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

Accordingly, it is hereby ORDERED pursuant to Section 15(b)(6) of the Exchange Act, and Section 203(f) of the Advisers 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.

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