THE STATE OF NORTH CAROLINA
DEPARTMENT OF THE SECRETARY OF STATE
SECURITIES DIVISION

IN THE MATTER OF:

The North Carolina Securities Division,

Petitioner,

vs.

Peyton Whisnant
(CRD No. 7365177),

Respondent.

FINAL ORDER TO REVOKE REGISTRATION AS AN INVESTMENT ADVISER REPRESENTATIVE

File No. 24SEC101

The North Carolina Secretary of State (the "Administrator"), pursuant to her authority and responsibility to administer and enforce the North Carolina Investment Advisers Act (N.C.G.S. § 78C, the "Investment Adviser Act") has reviewed the Findings of Fact and Conclusions of Law, and thereby enters this Final Order.

I. FINDINGS OF FACT

1. Respondent WHISNANT is a Wilmington, North Carolina resident.

2. From April 12, 2021 until April 5, 2024, WHISNANT was employed with Omnistar Financial Group, Inc. ("OFG").[1]

3. From August 16, 2021 until April 5, 2024, WHISNANT was registered in North Carolina as an investment adviser representative of OFG.

4. On April 5, 2024, WHISNANT's employment with OFG was terminated.

5. On April 16, 2024, OFG filed a Form U-5 withdrawing WHISNANT's registration as an investment adviser representative, stating "Individual resigned from their position at our firm due to a criminal conviction posted on April 2, 2024. The criminal conviction is unrelated to the financial industry."

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[1]OFG is an SEC registered Investment Adviser, notice filed in North Carolina since June 3, 2016, with a principal place of business in Wilmington, North Carolina.

6. WHISNANT's registration as an investment adviser representative in North Carolina was last effective on April 5, 2024.

7. WHISNANT was charged with multiple counts of Felony Third Degree Sex Exploitation of Minor in Orange County, North Carolina on or about July 18, 2023 ("Event Date").

8. WHISNANT had an obligation to report his pending charges to the Administrator within 30 days of the Event Date.

9. WHISNANT was convicted of nine (9) counts of Felony Third Degree Sex Exploitation of Minor in Superior Court of Orange County, North Carolina on or about April 2, 2024, Orange County Superior Court Case Number 23CRS36223.

10. Between July 18, 2023 and April 5, 2024, WHISNANT failed to update his U-4, specifically Item 14. Disclosure Questions, to disclose that he had been charged and later convicted of a felony.

11. On October 9, 2024, the Administrator through her Deputy Securities Administrator, issued a Temporary Order to Summarily Suspend Registration Pending Final Determination to Revoke Registration ("Temporary Order") against WHISNANT.

12. On October 10, 2024, the Securities Division provided notice of the Temporary Order to WHISNANT through personal service.

13. WHISNANT has not requested a hearing or submitted any responsive pleadings to the Administrator within 30 business days of receipt of the Temporary Order.

14. Based on the Findings of Fact, this Final Order is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of the Investment Advisers Act.

II. CONCLUSIONS OF LAW

1. The Administrator has jurisdiction over WHISNANT and the subject matter of this Final Order.

2. The Administrator may by order suspend or revoke any registration if he finds the order is in the public interest and the registrant has willfully violated or willfully failed to comply with any provision of Chapter 78C or Chapter 78A or any rule or order thereunder or has been convicted, within the past 10 years, of any felony. N.C.G.S. §§ 78C-19(a)(1); (2)b; or (2)c.

3. Investment adviser representatives have an ongoing duty to promptly amend or correct filings made with the Administrator within 30 days, if any information in the filings subsequently becomes inaccurate or incomplete in any material respect. N.C.G.S. § 78C-18(d) and 18 NCAC 06A .1703(c).

4. As described above, WHISNANT failed to accurately and timely disclose he had been charged with a felony, in violation of N.C.G.S. § 78C-18(d) and 18 NCAC 06A .1703(c).

5. As described above, WHISNANT willfully violated or willfully failed to comply with the Investment Advisers Act, in violation of N.C.G.S. § 78C-19(a)(2)b.

6. As described above, WHISNANT was charged with and convicted of a felony within the last 10 years.

7. The Administrator may institute a revocation proceeding within one year after withdrawal became effective and enter a revocation order as of the last date on which registration was effective. N.C.G.S. § 78C-19(e).

8. This Final Order is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of the Investment Advisers Act.

III. ORDER

NOW, THEREFORE, IT IS ORDERED, that WHISNANT's registration as an investment adviser representative in North Carolina be revoked as of April 5, 2024, the last date WHISNANT's registration was effective in North Carolina.

WITNESS MY HAND AND THE OFFICIAL SEAL of the North Carolina Department of the Secretary of State, this the 4th day of December, 2024.

Time of entry: 3:42 pm ET

ELAINE F. MARSHALL
SECRETARY OF STATE OF NORTH CAROLINA and
SECURITIES ADMINISTRATOR, by

[redacted]

SHERRELL L. FORBES
DEPUTY SECURITIES ADMINISTRATOR