

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
3 DIVISION OF BANKING AND SECURITIES

4 IN THE MATTER OF:
5 MARIE TOZIER

6)
7)
8 Respondent.)
9 _____)

ORDER NO. 16-227-2-S
CONSENT ORDER

10 The Director of the Department of Commerce, Community, and Economic
11 Development, Division of Banking and Securities (“Administrator”), has conducted an
12 investigation into certain activities of Marie Tozier (“Respondent”), and has determined that
13 Respondent violated certain provisions of the Alaska Securities Act, Alaska Statute (AS)
14 45.55 *et seq.*

15 Respondent agrees that the Administrator has jurisdiction over Respondent and these
16 matters pursuant to the Alaska Securities Act.

17 Respondent wishes to resolve and settle this matter with the Administrator. As
18 evidenced by the authorized signature on this Order, Respondent consents to the entry of this
19 Order based on the Conclusions of Law and Order. Respondent waives her right to appeal
20 under AS 45.55.920(d).

21 **I. BACKGROUND**

22 On April 19, 2017, the Administrator issued a Temporary Cease and Desist Order
23 Effective Immediately, Assessing Civil Penalties, with Notice of Hearing Rights and Notice
24 of Final Cease and Desist Order (Order No. 16-227-S) (the “Temporary Order”). The

1 Temporary Order stated that “Pursuant to AS 45.55.920(d), if Respondent desires a hearing,
2 she must file her request for a hearing within 15 days after receipt of this [Temporary]
3 Order.”

4 On May 10, 2017, Respondent received a certified copy of the Temporary Order.

5 On May 15, 2017, Respondent requested a hearing.

6 After Respondent requested a hearing and before a hearing was held, the
7 Administrator and Respondent agreed to the terms of this Consent Order; therefore,
8 Respondent withdraws her request for a hearing and the Temporary Order (Order No. 16-
9 227-S) is hereby VACATED.

10 II. FINDINGS OF FACT

11 1. Respondent is a shareholder of Sitnasuak Native Corporation (“SNC”).

12 2. SNC is organized pursuant to the Alaska Native Claims Settlement Act
13 (“ANCSA”), 43 U.S.C. 1601 *et seq.*

14 3. SNC has certified to the Administrator that it has more than 500 shareholders
15 and total assets exceeding \$1,000,000.

16 4. On January 12, 2017, Respondent published an advertisement in the Nome Nugget
17 that encouraged SNC shareholders to “Vote your OWN [*sic*] proxy!” and “Stand up and say
18 ‘NO’ [*sic*] to SNC Directors that ask you to vote a discretionary proxy.” In addition, the
19 advertisement stated that it was “Paid for by Sitnasuak Shareholders for Positive Change.”

20 5. Respondent did not file with the Administrator a dated, written proxy statement
21 containing the disclosures required in 3 AAC 08.355.

22 III. CONCLUSIONS OF LAW

23 1. Respondent is subject to the filing requirements of AS 45.55.139 because she is a
24 shareholder of SNC and SNC is subject to the filing requirements.

1 2. Respondent violated 3 AAC 08.355 by failing to file with the Administrator
2 required disclosures relating to proxy solicitation.

3 3. Respondent is subject to a civil penalty pursuant to AS 45.55.920(c) because she
4 violated 3 AAC 08.355.

5 **III. ORDER**

6 Pursuant to AS 45.55.920, and on the basis of the Findings of Fact and Conclusions of
7 Law, Respondent agrees to:

8 1. Pay a civil penalty in the amount of five hundred dollars (\$500),
9 with five hundred dollars (\$500) suspended for a period of one year. If Respondent commits
10 any violation of the Alaska Securities Act during this period, the suspended portion of the
11 civil penalty will be immediately due.

12 2. Comply with all provisions of the Alaska Securities Act, including associated
13 Regulations.

14 This Order is a publicly disclosable document.

15 **IT IS SO ORDERED.**

16 Chris Hladick, Commissioner
17 Department of Commerce, Community and
18 Economic Development

19 DATED: June 28, 2017

/s/ Kevin Anselm

20 BY: Kevin Anselm, Director
21 Division of Banking and Securities
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Consent

I, Marie Tozier, state that I have read the foregoing Consent Order and that I know and fully understand the Consent Order contents; that I have been advised of the right to a hearing and expressly waive any right to a hearing in this matter; that I voluntarily and without any force or duress, consent to the entry of this Consent Order; that I understand that the Administrator reserves the right to take further actions to enforce this Consent Order or to take appropriate action upon discovery of other violations of the Alaska Securities Act; and that I will fully comply with the terms and conditions stated herein.

I understand that this Consent Order is a publicly disclosable document.

DATED: June 28, 2017 /s/ Marie Tozier
Marie Tozier

SUBSCRIBED AND SWORN TO before me this 28th day of June, 2017 at Nome, Alaska.

/s/ E. M. Lillie
Notary Public in and for Alaska

Erin M. Lillie
Notary Printed Name
My commission expires: September 7, 2017