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JUSTICE OF THE PEACE

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8 IN THE JUSTICE COURT OF CARSON TOWNSHIP
9 IN AND FOR CARSON CITY, STATE OF NEVADA

10 STATE OF NEVADA,

11 Plaintiff,

12 v.

13 MICHAEL BAYLISS,

14 Defendant.

) Case No. 18CR013841C

) Dept. No. 2

15 **AMENDED CRIMINAL COMPLAINT**

16 The undersigned, ADAM PAUL LAXALT, Attorney General of the State of Nevada,
17 by and through TIRZAH MATHEWS, Senior Deputy Attorney General, complains and
18 charges the above-named defendant, MICHAEL BAYLISS, with having committed the
19 following offenses: SECURITIES FRAUD, a Category B felony in violation of NRS 90.570
20 and NRS 90.650; SECURITIES FRAUD AGAINST AN OLDER PERSON, a Category B
21 felony in violation of NRS 90.570, NRS 90.650, and NRS 193.167; THEFT IN THE
22 AMOUNT OF \$3,500 OR MORE, Category B Felony in violation of NRS 205.0832 and
23 205.0835; THEFT AGAINST AN OLDER PERSON IN THE AMOUNT OF \$3,500 OR
24 MORE, a Category B Felony in violation of NRS 205.0832, NRS 205.0835, and NRS
25 193.167; MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT, a Category B
26 felony in violation of NRS 205.377; and MULTIPLE TRANSACTIONS INVOLVING
27 FRAUD OR DECEIT AGAINST AN OLDER PERSON, a Category B felony in violation of
28 NRS 205.377 and NRS 193.167.

1 All of the acts alleged herein have been committed or completed on or about April
2 2011 to on or about December 2015, by the above-named Defendant, within Carson City,
3 State of Nevada, in the following manner:

4 **COUNT I**

5 **SECURITIES FRAUD**
6 **Category "B" Felony - NRS 90.570 and NRS 90.650**

7 That Defendant, MICHAEL BAYLISS (hereinafter "BAYLISS"), as a continuous
8 course of conduct from on or about Fall 2011 to on or about December 2015, did make
9 untrue statement/s of material fact/s, and/or omitted material fact/s necessary in order to
10 make the statement/s made not misleading in the light of the circumstances under which
11 they were made in connection with the offer to sell, sale, offer to purchase, or purchase of a
12 security in Carson City, State of Nevada, to wit:

13 BAYLISS, a Certified Financial Planner and an investment advisor, was a
14 shareholder for WEALTH STRATEGIES BY BAYLISS AND MCANNICH (hereinafter
15 "WSB&M"). BAYLISS convinced Thomas Metcalf, a client, to invest in WEALTH
16 STRATEGIES OPPORTUNITY FUND (hereinafter "WSOF"). In connection with the offer
17 to sell and/or selling and/or offering to purchase and/or purchase of this security or
18 securities, BAYLISS, personally or through an agent, utilized one or more of the following
19 omissions or misrepresentations, which were fraudulent or deceitful:

20 **Material Omissions:**

- 21 (a) That BAYLISS had been disciplined by and/or received a Disciplinary Decision
22 and Order from the Nevada State Board of Accountancy (hereinafter "NSBA")
23 mandating that he, BAYLISS, make payments to the Edward Giambalvo 1988
24 Trust in the amount of at least \$10,000 per month until the total sum of \$688,937
25 was paid in full; and/or
26 (b) That WSOF had liquidity problems and had suspended monthly distributions
27 and redemption requests to earlier investors.

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1 Material Misrepresentations:

2 (a) That Thomas Metcalf's investment was guaranteed a 10-12% rate of return;
3 and/or

4 (b) That Thomas Metcalf's investment would be secure and/or liquidated in one
5 year.

6 If Thomas Metcalf would have known about the Disciplinary Order, or liquidity
7 problems with WSOF, or that his investment did not have a 10-12% return rate guarantee,
8 or that his investment would not be available to liquidate in one year, he never would have
9 invested his money with WSB&M.

10 All of which constitutes the crime of SECURITIES FRAUD, a category "B" felony, in
11 violation NRS 90.570 and NRS 90.650.

12 COUNT II

13 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**
14 **Category "B" Felony - NRS 205.0832 and NRS 205.0835**

15 That Defendant, BAYLISS, as a continuous course of conduct from Fall 2011 to on
16 or about December 2015, within Carson City, State of Nevada, did knowingly and without
17 lawful authority obtain property or services of another person by a material
18 misrepresentation with intent to deprive that person of the property or services, the value
19 of said property \$3,500 or more, to wit:

20 BAYLISS, a Certified Financial Planner and an investment advisor, was a
21 shareholder for WSB&M. BAYLISS, personally or through an agent, obtained Thomas
22 Metcalf's investment funds, in an amount over \$3,500, by falsely representing a guaranteed
23 10-12% rate of return when, in fact, BAYLISS had knowledge that he could not deliver on
24 the guaranteed rate; and Thomas Metcalf did not receive the guaranteed rate of return
25 throughout his investment with WSB&M.

26 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR
27 MORE, a category "B" felony, in violation NRS 205.0832 and NRS 205.0835.

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1 COUNT III

2 **SECURITIES FRAUD AGAINST AN OLDER PERSON**
3 **Category "B" Felony - NRS 90.570, NRS 90.650, and NRS 193.167**

4 That Defendant, BAYLISS, as a continuous course of conduct from on or about Fall
5 2011 to on or about December 2015, did make untrue statement/s of material fact/s, and/or
6 omitted material fact/s necessary in order to make the statement/s made not misleading in
7 the light of the circumstances under which they were made in connection with the offer to
8 sell, sale, offer to purchase, or purchase of a security in Carson City, State of Nevada, to
9 wit:

10 BAYLISS, a Certified Financial Planner and an investment advisor, was a
11 shareholder for WSB&M. BAYLISS convinced Norman Metcalf (DOB: 5/28/1935), a client
12 over 60 years of age, to invest in WSOF. In connection with the offer to sell and/or selling
13 and/or offering to purchase and/or purchase of this security or securities, BAYLISS,
14 personally or through an agent, utilized one or more of the following omissions or
15 misrepresentations, which were fraudulent or deceitful:

16 Material Omissions:

- 17 (a) That BAYLISS had been disciplined by and/or received a Disciplinary Decision
18 and Order from the NSBA mandating that he, BAYLISS, make payments to the
19 Edward Giambalvo 1988 Trust in the amount of at least \$10,000 per month until
20 the total sum of \$688,937 was paid in full; and/or
21 (b) That Norman Metcalf's investment funds would be used to make payments to
22 the Edward Giambalvo 1988 Trust; and/or
23 (c) That WSOF had liquidity problems and had suspended monthly distributions
24 and redemption requests to earlier investors.

25 Material Misrepresentations:

- 26 (a) That Norman Metcalf's investment was guaranteed a 10-12% rate of return;
27 and/or

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1 (b) That Norman Metcalf's investment would be secure and/or liquidated in one
2 year; and/or

3 (c) That half of Norman Metcalf's Individual Retirement Account (hereinafter
4 "IRA") funds would be invested in WSOF and the remaining half of his IRA
5 would be invested in safe traditional investments such as stocks and bonds,
6 when in reality BAYLISS invested all of Norman Metcalf's IRA funds into
7 WSOF.

8 If Norman Metcalf would have known about the Disciplinary Order, or the use of his
9 investment funds to make payments to the Edward Giambalvo 1988 Trust, or liquidity
10 problems with WSOF, or that his investment did not have a 10-12% return rate guarantee,
11 or that his investment would not be available to liquidate in one year, or that his entire
12 IRA would be invested in the WSOF, he never would have invested his money with WSB&M.

13 All of which constitutes the crime of SECURITIES FRAUD AGAINST AN OLDER
14 PERSON, a category "B" felony, in violation NRS 90.570, NRS 90.650, and NRS 193.167.

15 COUNT IV

16 **THEFT AGAINST AN OLDER PERSON IN THE AMOUNT OF \$3,500 OR MORE**
17 **Category "B" Felony - NRS 205.0832, NRS 205.0835, and NRS 193.167**

18 That Defendant, BAYLISS, as a continuous course of conduct from Fall 2011 to on
19 or about December 2015, within Carson City, State of Nevada, did knowingly and without
20 lawful authority convert, make an unauthorized transfer of an interest in, or without
21 authorization control property of another person, or use the services or property of another
22 person entrusted to him or placed in his possession for a limited, authorized period of
23 determined or prescribed duration or for a limited use; and/or obtain property or services
24 of another person by a material misrepresentation with intent to deprive that person of the
25 property or services, the value of said property \$3,500 or more, to wit:

26 BAYLISS, a Certified Financial Planner and an investment advisor, was a
27 shareholder for WSB&M. BAYLISS, personally or through an agent, obtained Norman
28 Metcalf's (DOB: 5/28/1935) IRA funds in an amount over \$3,500:

1 (a) Knowing that it was entrusted to him for the purpose of investing half of the
2 IRA funds in WSOF and the remaining half of the IRA funds in safe traditional
3 investments such as publicly traded stocks and bonds. Subsequently BAYLISS,
4 knowingly and without authorization, converted all of Norman Metcalf's IRA
5 funds into an investment with WSOF; and/or

6 (b) By falsely representing a guaranteed 10-12% rate of return when, in fact,
7 BAYLISS had knowledge that he could not deliver on the guaranteed rate; and
8 Norman Metcalf did not receive the guaranteed rate of return throughout his
9 investment with WSB&M.

10 All of which constitutes the crime of THEFT AGAINST AN OLDER PERSON IN
11 THE AMOUNT OF \$3,500 OR MORE, a category "B" felony, in violation NRS 205.0832,
12 NRS 205.0835, and NRS 193.167.

13 COUNT V

14 **SECURITIES FRAUD**
15 **Category "B" Felony - NRS 90.570 and NRS 90.650**

16 That Defendant, BAYLISS, as a continuous course of conduct from on or about
17 January 2012 to on or about December 2015, did make untrue statement/s of material
18 fact/s, and/or omitted material fact/s necessary in order to make the statement/s made not
19 misleading in the light of the circumstances under which they were made in connection
20 with the offer to sell, sale, offer to purchase, or purchase of a security in Carson City, State
21 of Nevada, to wit:

22 BAYLISS, a Certified Financial Planner and an investment advisor, was a
23 shareholder for WSB&M. BAYLISS convinced John Gimple, a client, to invest in WSOF.
24 In connection with the offer to sell and/or selling and/or offering to purchase and/or
25 purchase of this security or securities, BAYLISS, personally or through an agent, utilized
26 one or more of the following omissions or misrepresentations, which were fraudulent or
27 deceitful:

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1 Material Omissions:

- 2 (a) That BAYLISS had been disciplined by and/or received a Disciplinary Decision
3 and Order from the NSBA mandating that he, BAYLISS, make payments to the
4 Edward Giambalvo 1988 Trust in the amount of at least \$10,000 per month until
5 the total sum of \$688,937 was paid in full; and/or
6 (b) That John Gimple's investment funds would be used to make payments to the
7 Edward Giambalvo 1988 Trust; and/or
8 (c) That John Gimple's investment funds would be diverted to the BAYLISS
9 FAMILY 1999 TRUST; and/or
10 (d) That John Gimple's investment funds would be used to make payments to
11 earlier Wealth Strategy Investor/s; and/or
12 (e) That WSOF had liquidity problems and had suspended monthly distributions
13 and redemption requests to earlier investors.

14 Material Misrepresentation:

- 15 (a) That John Gimple's investment was guaranteed a 12-13% rate of return; and/or
16 (b) That John Gimple's investment would be liquid after an 18 month term.

17 If John Gimple would have known about the Disciplinary Order, or the use of his
18 investment funds to make payments to the Edward Giambalvo 1988 Trust, or that his
19 funds were used to make payments to the BAYLISS FAMILY 1999 TRUST, or that his
20 funds would be used to pay earlier investors, or liquidity problems with WSOF, or that his
21 investment did not have a 12-13% return rate guarantee, or that his investment was not
22 safe and/or go beyond 18 months, he never would have invested his money with WSB&M.

23 All of which constitutes the crime of SECURITIES FRAUD, a category "B" felony, in
24 violation NRS 90.570 and NRS 90.650.

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1 COUNT VI

2 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**
3 **Category "B" Felony - NRS 205.0832 and NRS 205.0835**

4 That Defendant, BAYLISS, as a continuous course of conduct from January 2012 to
5 on or about December 2015, within Carson City, State of Nevada, did knowingly and
6 without lawful authority obtain property or services of another person by a material
7 misrepresentation with intent to deprive that person of the property or services, the value
8 of said property \$3,500 or more, to wit:

9 BAYLISS, a Certified Financial Planner and an investment advisor, was a
10 shareholder for WSB&M. BAYLISS, personally or through an agent, obtained John
11 Gimple's investment funds, in an amount over \$3,500, by falsely representing a guaranteed
12 12-13% rate of return when, in fact, BAYLISS had knowledge that he could not deliver on
13 the guaranteed rate; and John Gimple did not receive the guaranteed rate of return
14 throughout his investment with WSB&M.

15 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR
16 MORE, a category "B" felony, in violation NRS 205.0832 and NRS 205.0835.

17 COUNT VII

18 **SECURITIES FRAUD**
19 **Category "B" Felony - NRS 90.570 and NRS 90.650**

20 That Defendant, BAYLISS, as a continuous course of conduct from on or about
21 January 2012 to on or about December 2015, did make untrue statement/s of material fact,
22 and/or omitted material fact/s necessary in order to make the statement/s made not
23 misleading in the light of the circumstances under which they were made, and/or engage
24 in an act, practice or course of business which operates or would operate as a fraud or deceit
25 upon a person in connection with the offer to sell, sale, offer to purchase, or purchase of a
26 security in Carson City, State of Nevada, to wit:

27 BAYLISS, a Certified Financial Planner and an investment advisor, was a
28 shareholder for WSB&M. BAYLISS convinced Heather Gimple, a client, to invest in

1 WSOF. In connection with the offer to sell and/or selling and/or offering to purchase and/or
2 purchase of this security or securities, BAYLISS, personally or through an agent, utilized
3 one or more of the following omissions or misrepresentations, which were fraudulent or
4 deceitful:

5 Material Omissions:

- 6 (a) That BAYLISS had been disciplined by and/or received a Disciplinary Decision
7 and Order from the NSBA mandating that he, BAYLISS, make payments to the
8 Edward Giambalvo 1988 Trust in the amount of at least \$10,000 per month until
9 the total sum of \$688,937 was paid in full; and/or
10 (b) That Heather Gimple's investment funds would be used to make payments to
11 the Edward Giambalvo 1988 Trust; and/or
12 (c) That Heather Gimple's investment funds would be used to make payments to
13 other Wealth Strategy Investor/s; and/or
14 (d) That WSOF had liquidity problems and had suspended monthly distributions
15 and redemption requests to earlier investors.

16 Material Misrepresentation:

- 17 (a) That Heather Gimple's investment was guaranteed a 12-13% rate of return;
18 and/or
19 (b) That Heather Gimple's investment would be liquid after an 18 month term.

20 If Heather Gimple would have known about the Disciplinary Order, or the use of her
21 investment funds to make payments to the Edward Giambalvo 1988 Trust, or that her
22 funds would be used to pay earlier investors, or liquidity problems with WSOF, or that her
23 investment did not have a 12-13% return rate guarantee, or that her investment was not
24 safe and/or go beyond 18 months, she never would have invested her money with WSB&M.

25 All of which constitutes the crime of SECURITIES FRAUD, a category "B" felony, in
26 violation NRS 90.570 and NRS 90.650.

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1 COUNT VIII

2 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**
3 **Category "B" Felony - NRS 205.0832 and NRS 205.0835**

4 That Defendant, BAYLISS, as a continuous course of conduct from January 2012 to
5 on or about December 2015, within Carson City, State of Nevada, did knowingly and
6 without lawful authority obtain property or services of another person by a material
7 misrepresentation with intent to deprive that person of the property or services, the value
8 of said property \$3,500 or more, to wit:

9 BAYLISS, a Certified Financial Planner and an investment advisor, was a
10 shareholder for WSB&M. BAYLISS, personally or through an agent, obtained Heather
11 Gimple's investment funds, in an amount over \$3,500, by falsely representing a guaranteed
12 12-13% rate of return when, in fact, BAYLISS had knowledge that he could not deliver on
13 the guaranteed rate; and Heather Gimple did not receive the guaranteed rate of return
14 throughout her investment with WSB&M.

15 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR
16 MORE, a category "B" felony, in violation NRS 205.0832 and NRS 205.0835.

17 COUNT IX

18 **SECURITIES FRAUD AGAINST AN OLDER PERSON**
19 **Category "B" Felony - NRS 90.570, NRS 90.650, and NRS 193.167**

20 That Defendant, BAYLISS, as a continuous course of conduct from March 2013 to on
21 or about December 2015, did make untrue statement/s of material fact, and/or omitted
22 material fact/s necessary in order to make the statement/s made not misleading in the light
23 of the circumstances under which they were made; and/or engage in an act, practice or
24 course of business which operates or would operate as a fraud or deceit upon a person in
25 connection with the offer to sell, sale, offer to purchase, or purchase of a security in Carson
26 City, State of Nevada, to wit:

27 BAYLISS, a Certified Financial Planner and an investment advisor, was a
28 shareholder for WSB&M. BAYLISS convinced Russell Fiddymont (DOB: 7/24/1948), a

1 client over 60 years of age, to invest in WSOF. In connection with the offer to sell and/or
2 selling and/or offering to purchase and/or purchase of this security or securities, BAYLISS,
3 personally or through an agent, utilized one or more of the following omissions, which were
4 fraudulent or deceitful:

5 Material Omissions:

- 6 (a) That BAYLISS had been disciplined by and/or received a Disciplinary Decision
7 and Order from the NSBA mandating that he, BAYLISS, make payments to the
8 Edward Giambalvo 1988 Trust in the amount of at least \$10,000 per month until
9 the total sum of \$688,937 was paid in full; and/or
10 (b) That Russell Fiddymment's investment funds would be used to make payments
11 to the Edward Giambalvo 1988 Trust; and/or
12 (c) That Russell Fiddymment's investment funds would be used to make payments
13 to earlier Wealth Strategy Investor/s; and/or
14 (d) That WSOF had liquidity problems and had suspended monthly distributions
15 and redemption requests to earlier investors.

16 If Russell Fiddymment would have known about the Disciplinary Order, or the use of
17 his investment funds to make payments to the Edward Giambalvo 1988 Trust, or that his
18 funds would be used to pay earlier investors, or liquidity problems with WSOF, he never
19 would have invested his money with WSB&M.

20 All of which constitutes the crime of SECURITIES FRAUD AGAINST AN OLDER
21 PERSON, a category "B" felony, in violation NRS 90.570, NRS 90.650, and NRS 193.167.

22 COUNT X

23 **SECURITIES FRAUD**
24 **Category "B" Felony - NRS 90.570 and NRS 90.650**

25 That Defendant, BAYLISS, as a continuous course of conduct from July 2013 to on
26 or about December 2015, did make untrue statement/s of material fact, and/or omitted
27 material fact/s necessary in order to make the statement/s made not misleading in the light
28 of the circumstances under which they were made; and/or engage in an act, practice or

1 course of business which operates or would operate as a fraud or deceit upon a person in
2 connection with the offer to sell, sale, offer to purchase, or purchase of a security in Carson
3 City, State of Nevada, to wit:

4 BAYLISS, a Certified Financial Planner and an investment advisor, was a
5 shareholder for WSB&M. BAYLISS convinced Carol Sala, a client, to invest in WSOF. In
6 connection with the offer to sell and/or selling and/or offering to purchase and/or purchasing
7 of this security or securities, BAYLISS, personally or through an agent, utilized one or more
8 of the following omissions or misrepresentations, which were fraudulent or deceitful:

9 Material Omissions:

- 10 (a) That BAYLISS had been disciplined by and/or received a Disciplinary Decision
11 and Order from the NSBA mandating that he, BAYLISS, make payments to the
12 Edward Giambalvo 1988 Trust in the amount of at least \$10,000 per month until
13 the total sum of \$688,937 was paid in full; and/or
14 (b) That Carol Sala's investment funds would be used to make payments to the
15 Edward Giambalvo 1988 Trust; and/or
16 (c) That Carol Sala's investment funds would be diverted to the BAYLISS FAMILY
17 1999 TRUST; and/or
18 (d) That WSOF had liquidity problems and had suspended monthly distributions
19 and redemption requests to earlier investors.

20 Material Misrepresentation:

- 21 (a) That Carol Sala's investment funds would be liquid.

22 If Carol Sala would have known about the Disciplinary Order, or the use of her
23 investment funds to make payments to the Edward Giambalvo 1988 Trust, or that her
24 funds were used to make payments to the BAYLISS FAMILY 1999 TRUST, or liquidity
25 problems with WSOF, or that her investment would not be liquid, she never would have
26 invested her money with WSB&M.

27 All of which constitutes the crime of SECURITIES FRAUD, a category "B" felony, in
28 violation NRS 90.570 and NRS 90.650.

1 COUNT XI

2 **SECURITIES FRAUD AGAINST AN OLDER PERSON**
3 **Category "B" Felony - NRS 90.570, NRS 90.650, and NRS 193.167**

4 That Defendant, BAYLISS, as a continuous course of conduct from July 2013 to on
5 or about December 2015, did make untrue statement/s of material fact, and/or omitted
6 material fact/s necessary in order to make the statement/s made not misleading in the light
7 of the circumstances under which they were made, and/or engage in an act, practice or
8 course of business which operates or would operate as a fraud or deceit upon a person in
9 connection with the offer to sell, sale, offer to purchase, or purchase of a security in Carson
10 City, State of Nevada, to wit:

11 BAYLISS, a Certified Financial Planner and an investment advisor, was a
12 shareholder for WSB&M. BAYLISS convinced Roland Sala (DOB: 7/14/1945), a client over
13 60 years of age, to invest in WSOF. In connection with the offer to sell and/or selling and/or
14 offering to purchase and/or purchasing this security or securities, BAYLISS, personally or
15 through an agent, utilized one or more of the following omissions or misrepresentations,
16 which were fraudulent or deceitful:

17 Material Omissions:

- 18 (a) That BAYLISS had been disciplined by and/or received a Disciplinary Decision
19 and Order from the NSBA mandating that he, BAYLISS, make payments to the
20 Edward Giambalvo 1988 Trust in the amount of at least \$10,000 per month until
21 the total sum of \$688,937 was paid in full; and/or
22 (b) That Roland Sala's investment funds would be used to make payments to the
23 Edward Giambalvo 1988 Trust; and/or
24 (c) That Roland Sala's investment funds would be diverted to the BAYLISS
25 FAMILY 1999 TRUST; and/or
26 (d) That WSOF had liquidity problems and had suspended monthly distributions
27 and redemption requests to earlier investors.

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1 Material Misrepresentation:

2 (a) That Roland Sala's investment funds would be liquid.

3 If Roland Sala would have known about the Disciplinary Order, or the use of his
4 investment funds to make payments to the Edward Giambalvo 1988 Trust, or that his
5 funds were used to make payments to the BAYLISS FAMILY 1999 TRUST, or liquidity
6 problems with WSOF, or that his investment would not be liquid, he never would have
7 invested his money with WSB&M.

8 All of which constitutes the crime of SECURITIES FRAUD AGAINST AN OLDER
9 PERSON, a category "B" felony, in violation NRS 90.570, NRS 90.650, and NRS 193.167.

10 COUNT XII

11 **MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT**
12 **Category "B" Felony - NRS 205.377**

13 That Defendant, BAYLISS, as a continuous course of conduct from April 2011 to on
14 or about December 2015, in the course of an enterprise or occupation, knowingly and with
15 the intent to defraud, engaged in an act, practice or course of business, or employed a
16 device, scheme or artifice which operated as a fraud or deceit upon a person by means of a
17 false representation or omission of a material fact that: (a) he knew to be false or omitted;
18 (b) he intended another to rely on; and (c) resulted in a loss to any person who relied on the
19 false representation or omission, in at least two transactions that had the same or similar
20 pattern, intents, results, accomplices, victims or methods of commission, or were otherwise
21 interrelated by distinguishing characteristics and occurred within a 4-year period of time,
22 each having an aggregate loss or intended loss of more than \$650, to wit:

23 BAYLISS, personally or through an agent, as a Certified Financial Planner and/or an
24 investment advisor or investment advisor representative and/or in the course of operating
25 WSB&M, committed multiple transactions involving fraud or deceit, in two or more
26 transactions in which the purpose, results, methods or commission was the same or similar
27 as set forth in Counts One (I), Two (II), Five (V), Six (VI), Seven (VII), Eight (VIII), and Ten

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1 (X) incorporated by reference as though fully set forth herein, as shown by the following
2 client investments:

- 3 (1) Thomas Metcalf invested more than \$650 in WSB&M; and/or
- 4 (2) John Gimple invested more than \$650 in WSB&M; and/or
- 5 (3) Heather Gimple invested more than \$650 in WSB&M; and/or
- 6 (4) Carol Sala invested more than \$650 in WSB&M.

7 All of which constitutes the crime of MULTIPLE TRANSACTIONS INVOLVING
8 FRAUD OR DECEIT, a category "B" felony in violation of NRS 205.377.

9 **COUNT XIII**

10 **MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT**
11 **AGAINST AN OLDER PERSON**
12 **Category "B" Felony - NRS 205.377 and NRS 193.167**

13 That Defendant, BAYLISS, as a continuous course of conduct from April 2011 to on
14 or about December 2015, in the course of an enterprise or occupation, knowingly and with
15 the intent to defraud, engaged in an act, practice or course of business, or employed a
16 device, scheme or artifice which operated as a fraud or deceit upon a person by means of a
17 false representation or omission of a material fact that: (a) he knew to be false or omitted;
18 (b) he intended another to rely on; and (c) resulted in a loss to any person who relied on the
19 false representation or omission, in at least two transactions that had the same or similar
20 pattern, intents, results, accomplices, victims or methods of commission, or were otherwise
21 interrelated by distinguishing characteristics and occurred within a 4-year period of time,
22 each having an aggregate loss or intended loss of more than \$650, to wit:

- 22 (a) BAYLISS, personally or through an agent, as a Certified Financial Planner
23 and/or an investment advisor or investment advisor representative and/or in the
24 course of operating WSB&M, committed multiple transactions involving fraud
25 or deceit, in two or more transactions in which the purpose, results, methods or
26 commission was the same or similar as set forth in Counts Three (III), Four
27 (IV), Nine (IX), and Eleven (XI) incorporated by reference as though fully set

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1 forth herein, as shown by the following clients, all over 60 years of age, and
2 their investments:

3 (1) Norman Metcalf (DOB: 5/28/1935) invested more than \$650 in WSB&M;
4 and/or

5 (2) Russell Fiddymment (DOB: 7/24/1948) invested more than \$650 in WSB&M;
6 and/or

7 (3) Roland Sala (DOB: 7/14/1945) invested more than \$650 in WSB&M.

8 And/or

9 (b) BAYLISS, personally or through an agent, as a Certified Financial Planner
10 and/or an investment advisor or investment advisor representative and/or in the
11 course of operating WSB&M, committed multiple transactions involving fraud
12 or deceit, in two or more transactions in which the purpose, results, methods or
13 commission was the same or similar as shown by the following:

14 That in or about Fall 2011 to on or about December 2015, WSB&M supplied
15 Norman Metcalf (DOB: 5/28/1935), a client over 60 years of age, monthly Capital
16 Account Statements which showed Norman Metcalf earned investment income
17 based on his original investment of more than \$650, and Norman Metcalf relied
18 on the statements' fictitious earnings when he made an additional investment.

19 All of which constitutes the crime of MULTIPLE TRANSACTIONS INVOLVING
20 FRAUD OR DECEIT AGAINST AN OLDER PERSON, a category "B" felony in violation of
21 NRS 205.377 and NRS 193.167.

22 All of which is contrary to the form, force, and effect of the statutes in such cases,
23 made and provided, and against the peace and dignity of the State of Nevada.

24 ***Said complainant therefore desires that an arrest warrant be issued to the***
25 ***said defendant, and that he be dealt with according to the law.***

26 Said complainant makes this declaration under penalty of perjury.

27 ///

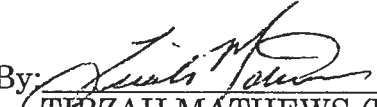
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AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document, AMENDED CRIMINAL COMPLAINT, filed in Case No. 18CR013841C, does not contain the social security number of a person.

DATED this th 16 day of August, 2018.

ADAM PAUL LAXALT
Attorney General

By: 
TIRZAH MATHEWS (Bar #11647)
Senior Deputy Attorney General
Financial Fraud Unit

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