

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 101926 / December 16, 2024

INVESTMENT ADVISERS ACT OF 1940
Release No. 6796

ADMINISTRATIVE PROCEEDING
File No. 3-22359

In the Matter of

DAVID HARRY-NELSON
AUSTIN,

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 David Harry-Nelson Austin (“Austin” or “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. From August 2016 through May 2020, Austin was a registered representative of and associated with J.P. Morgan Securities, LLC. (“J.P. Morgan”), a broker-dealer and investment adviser registered with the Commission. Austin, 37 years old, is a resident of Petoskey, Michigan.

2. On October 11, 2021, Austin pleaded guilty to one count of Embezzlement – From a Vulnerable Adult – \$100,000 or More, a felony, in violation of Mich. Comp. Laws Ann. § 750.174a(7)(a), and to one count of Attempted Embezzlement – Financial Institutions, a felony, in violation of Mich. Comp. Laws Ann. § 750.180, before the 17th Circuit Court of the State of Michigan, in Michigan v. David Harry-Nelson Austin, Case No. 20-05796-FH. On February 7, 2022, a judgment in the criminal case was entered against Austin. Austin was sentenced to a jail term of 12 months followed by three years of probation and ordered to make restitution in the amount of \$143,925.60.

3. The counts of the criminal information to which Austin pleaded guilty alleged, inter alia, that Austin, through fraud or deceit, obtained the money or property of a client having a value of \$100,000 or more, directly or indirectly benefitting himself, while knowing or having reason to know that the client was a vulnerable adult; and that Austin, as an agent of J.P. Morgan, attempted to make an unauthorized false entry in a book, report, or statement of the institution with the intent to defraud or deceive.

IV.

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