UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-21280

In the Matter of

DARAYL D. DAVIS,

Respondent.

DIVISION OF ENFORCEMENT'S MOTION FOR SUMMARY DISPOSITION AND MEMORANDUM OF LAW IN SUPPORT

DIVISION OF ENFORCEMENT
Karen M. Klotz
Securities and Exchange Commission
One Penn Center
1617 JFK Blvd., Ste. 520
Philadelphia, PA 19103
Klotzk@sec.gov
(215) 861-9613

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Pursuant to Rule 250 of the Securities and Exchange Commission's Rules of Practice [17 C.F.R. § 201.100 *et seq*.], the Division of Enforcement (the "Division") respectfully moves for summary disposition against Respondent DaRayl D. Davis ("Respondent") and for an order barring Respondent from association with any investment adviser, broker, dealer, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization, and from participating in an offering of penny stock, based on Respondent's conviction in *United States v. DaRayl Davis*, Criminal Action No. 18-CR-00025 (N.D. Ill.) (the "Criminal Action") and the injunction entered against him in *SEC v. DaRayl Davis*, *et al.*, Civil Action No. 17-CV-9224 (N.D. Ill.) (the "Civil Action").

PRELIMINARY STATEMENT

For nearly 15 years, Respondent recommended and sold fraudulent "corporate bond notes" and "guarantee bonds" to approximately 30 individuals, taking in more than $5 million of his investors' hard-earned money. Instead of investing the money as promised, Respondent used it to fund a lavish lifestyle and further his scheme. To conceal his fraud, Respondent created and distributed fraudulent account statements purporting to show principal investment amounts and the supposed value of the account at the end of the contractual term. There were no such investment accounts and the balance displayed was a fiction. Respondent further concealed his fraud by using investors' money to make payments to prior investors in Ponzi-like fashion.

Respondent's offering fraud resulted in a felony conviction and a civil injunction for conduct that occurred while he acted as an investment adviser and, from 2005 through 2008, while he was associated with a dually registered broker-dealer and investment adviser. Therefore, the only question before the Commission is whether barring Respondent from the securities industry is in the public interest. Respondent's egregious, long-standing scheme in

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which he targeted members of his church community, sold fraudulent investment products, and used victims' money to pay for an extravagant lifestyle, and his attempts to conceal his fraud by providing false account statements and making Ponzi-like payments, prove that he is unfit for the industry.

"[A]bsent extraordinary mitigating circumstances, an individual that has been convicted of fraud cannot be permitted to remain in the securities industry." *Shreyans Desai*, Exchange Act Release No. 80129, 2017 WL 782152, at *4 (Mar. 1, 2017) (quotation marks and citation omitted). This case presents no such extraordinary mitigating circumstances. The Division respectfully requests that Respondent be barred from association with any investment adviser, broker, dealer, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization.

STATEMENT OF FACTS AND PROCEDURAL HISTORY[1]

A. Respondent's Background

Respondent was an unregistered investment adviser who marketed himself as a "financial coach" and "registered financial consultant." Compl. [Ex. 5] ¶¶ 16, 19. He owned and controlled two companies, Affluent Advisory Group, LLC ("AAG") and Financial Assurance Corporation ("FAC"), through which he offered investment advisory services. *Id.* at ¶¶ 13, 14, 25. From 2005 to 2008, Respondent maintained securities licenses and was an associated person of Investors Capital Corp. ("Investors Capital"), a dually registered broker-dealer and investment adviser. *Id.* at ¶ 15; *see also* Davis CRD [Ex. 3] and Investors Capital Corp. CRD/IARD [Ex. 4].

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[1] The facts described in this section are taken from the following sources: the Complaint in the Civil Action ("Compl."); the Criminal Action record; the Civil Action record; and FINRA's Central Registration Depository ("CRD") and Investment Advisers Registration Depository ("IARD").

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B. The Offering Fraud

From at least 2003 through December 2017, Respondent recommended and sold fictitious "corporate bond notes," "guarantee bonds," and similar products (collectively, the "Davis Securities") to 30 individuals he primarily met through his church. Compl. [Ex. 5] ¶¶ 1, 2, 15, 24, 25. Respondent claimed that AAG managed "investment portfolios on a fee-only, discretionary and non-discretionary basis." *Id*. at ¶ 13, 22. Through AAG, Respondent entered into a written engagement agreement with at least one client, in which Respondent agreed to review the client's investment portfolio, develop an "asset management strategy," and design recommendations to meet the client's "goals and objectives" in exchange for a fee. *Id*. at ¶¶ 25-26.

Respondent also recommended and sold "corporate bond notes" issued by FAC. *Id*. at ¶¶ 29-36. Each note "guaranteed" repayment of principal along with accrued interested at a specified rate at the maturity date. *Id*. at ¶ 30. Respondent told his clients he would invest the money from the sale of the corporate bond notes, describing the notes as FAC "investment loans." *Id*. at ¶¶ 30, 32. In about 2012, Respondent created and began recommending and selling other securities, using a variety of names to describe various "guarantee bonds." *Id*. at ¶¶ 37-45. Like the corporate bond notes, Respondent promised guarantee bond purchasers a "guaranteed" interest rate on their principal. *Id*. at ¶ 38. Respondent told clients that the guarantee bonds offered "guaranteed growth" and "stock market type returns without the risks associated with downturns in the financial market."[2] *Id*. at ¶ 43.

[2] Several of the guarantee bonds sold to investors were labeled as being issued by an insurance company, and Respondent represented in investment documents that repayment was "backed by" the insurance company." *Id*. at ¶ 41. Respondent also labeled certain of the guarantee bonds using a trademark of another well-known insurance company. *Id*. at ¶¶ 42-44. The guarantee bonds were not genuine products of these insurance companies, and neither had authorized Respondent to create and sell these products. *Id*. at ¶ 42.

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The Davis Securities that Respondent offered and sold were fabricated investment products and, rather than invest his clients' money as promised, he used it to fund an extravagant lifestyle and to perpetuate his scheme. *Id*. at ¶¶ 4, 5, 45-56. For example, Respondent spent investors' money to rent a mansion in the Hollywood Hills, numerous high-end sports cars, and a Maryland home, to join a luxury sporting club, and to pay approximately $700,000 in personal credit card bills. *Id*. at ¶ 55. He also used investors' funds to make Ponzi-like payments to prior investors. *Id*. at ¶ 51.

Respondent used a variety of methods to attempt to conceal his fraud. *Id*. at ¶¶ 46-62. He told one investor, who repeatedly asked to withdraw her money, that he had invested it in a bond portfolio, and blamed delayed repayment on difficulties liquidating the portfolio. *Id*. at ¶¶ 34-36. This was false. Respondent had not invested this or any other investor's money in a "bond portfolio," but rather had taken the money for his own use. *Id*. at ¶ 36. Respondent also created and distributed misleading account statements. He sent several clients statements purporting to show each investor's principal investment amount and supposed value of the account at the end of the contractual term. *Id*. at ¶ 58. These statements were false, and the balance displayed did not reflect the reality that there was no prospect of repayment because Respondent had spent the investor's money. *Id*. at ¶¶ 59-60. In total, Respondent victimized approximately 30 investors who made at least $5 million of investments, $1 million of which was paid back to investors in Ponzi-like payments. *Id*. at ¶ 63.

C. The Civil and Criminal Actions

On December 22, 2017, the Commission filed a complaint alleging that Respondent violated Section 17(a) of the Securities Act of 1933 ("Securities Act") [15 U.S.C. § 77q(a)]; Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. § 78j(b)] and

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Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5]; and Sections 206(1) and 206(2) of the Investment Advisers Act of 1940 ("Advisers Act") [15 U.S.C. §§ 80b-6(1), 80b-6(2)].[3] Civ. Dkt. [Ex. 6] No. 1; Compl. [Ex. 5] (the "Civil Action"). The district court granted the Commission's accompanying motion for emergency relief and issued an order for Temporary Restraining Order and Other Emergency Relief and Asset Freeze Order the same day. Civ. Dkt. Nos. 12 and 13. After Respondent failed to respond to the Commission's motion for preliminary injunction by the deadline, the court entered a preliminary injunction extending the asset freeze and certain relief until the conclusion of the litigation. Civ. Dkt. Nos. 26, 27.

On January 18, 2018, the court unsealed a criminal complaint against Respondent, charging one count of wire fraud arising from the misconduct alleged in the Commission's Complaint. Cr. Dkt. [Ex. 9] No. 1. Respondent was arrested that day and released with conditions. Cr. Dkt. No. 11. Respondent was later charged in a superseding indictment with five counts of wire fraud, four counts of mail fraud, one count of identity theft, and six counts of engaging in monetary transactions in property derived from unlawful activity. Cr. Dkt. No. 45.

On January 24, 2018, in the Civil Action, the court entered default against Respondent for failure to respond to the Complaint and granted the Commission leave to seek default judgment in stages by filing an initial motion as to liability and reserving its request for remedies. Civ. Dkt. No. 26. On February 16, 2018, the Commission moved to hold Respondent in civil contempt for violating the Asset Freeze Order. Civ. Dkt. No. 34. As detailed in the Commission's papers, in the six weeks between his receipt of the Asset Freeze Order and the Commission's contempt motion, Respondent opened new, undisclosed bank accounts and lines

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[3] The Commission also named AAG as a relief defendant in the Civil Action. AAG failed to answer the Complaint and a default judgment was entered against it. Civ. Dkt. No. 52. The district court entered a final judgment against AAG in September 2021. Civ. Dkt. No. 92.

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of credit and spent approximately $7,000 of previously unknown cash that was frozen pursuant to court order. Civ. Dkt. No. 35. On March 26, 2018, the court entered an order granting the Commission's motion for entry of default judgment as to liability against Respondent. Civ. Dkt. No. 53. The same day the court held Respondent in contempt for violating the Asset Freeze. Civ. Dkt. Nos. 34, 35, 54. The Civil Action was subsequently stayed in light the Criminal Action. Civ. Dkt. No. 55.

On January 14, 2021, in the Criminal Action, Respondent signed a guilty plea agreement in which he agreed to plead guilty to one count of mail fraud, in violation of 18 U.S.C. § 1341. Plea Agmt. [Ex. 10]; Crim Dkt. No. 149. In the plea agreement, Respondent admitted the following facts, among others, which he agreed established his guilt beyond a reasonable doubt:

- Respondent held out FAC and AAG "as investment firms that provided investment advisory services and offered investment opportunities";
- Respondent "fraudulently obtained funds from victim investors through the offer and sale of purported investment products";
- Respondent "knowingly made numerous materially false representations to investors about the purported investments, including that investors' funds would be invested by or through FAC and AAG, that investors would receive guaranteed protection against the loss of their principals and fixed annual interest payments …";
- Respondent "did not invest those funds as he had represented, but instead used the funds for his own personal benefit";
- Respondent "created and provided to investors false and fraudulent investment documents, including … false account statements purporting to show account growth from guaranteed interest payments";
- Respondent "used funds fraudulently obtained from investors to make Ponzi-type payments to other investors …"; and
- Respondent conducted this fraud "[b]eginning no later than approximately 2003 and continuing through approximately 2018."

Plea Agmt. [Ex. 10] at 2-4.

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During Respondent's guilty plea hearing on January 19, 2021, Respondent affirmed the accuracy of the facts set forth in his guilty plea agreement, which were read into the record by the prosecutor:

THE COURT: … Are those facts correct, sir?

THE DEFENDANT: Yes, Your Honor, those facts are correct.

THE COURT: Do you disagree with any of them?

THE DEFENDANT: I do not, Your Honor.

THE COURT: All right. Is there anything you want to add at this point?

THE DEFENDANT: No, Your Honor. I believe that is complete.

Plea. Hr. Trans. [Ex. 11] at 24-25.

On May 3, 2021, Respondent was sentenced to a period of incarceration of 160 months, a term of supervised release of three years, and ordered to pay restitution in the amount of $7,171,085 (the "Restitution Order"). Cr. Dkt. No. 164; Cr. Judgment [Ex. 12]. Despite waiving his right to appeal in his plea agreement, Respondent appealed his conviction to the Seventh Circuit Court of Appeals. Cr. Dkt. Nos. 169, 170. Respondent's appeal was dismissed on March 29, 2022. *United States v. Darayl Davis*, 29 F.4th 380, 388 (7th Cir. 2022); Crim. App. Dkt. [Ex. 13].

On September 20, 2021, the district court entered a final judgment in the Civil Action enjoining Respondent from violating Section 17(a) of the Securities Act, Section 10(b) of the Exchange Act and Rule 10b-5 thereunder, and Sections 206(1) and 206(2) of the Advisers Act, and ordering him to pay disgorgement in the amount of $4,134,796 and prejudgment interest in the amount of $1,172,110, for a total of $5,306,906, but deeming payment of those amounts satisfied by entry of the Restitution Order. Civ. Dkt. No. 91; Civ. Judgment [Ex. 7].

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D. This Follow-On Administrative Proceeding

On January 19, 2023, the Commission issued the Order Instituting Administrative Proceedings Pursuant to Section 15(b) of the Exchange Act and Section 203(f) of the Advisers Act and Notice of Hearing (the "OIP"). OIP [Ex. 1]. On January 27, 2023, the Division made documents related to this matter available to Respondent. Klotz Dec. ¶ 3. Respondent, who is incarcerated in the Federal Correctional Institution in Milan, Michigan, served his answer to the OIP via U.S. mail.[4] Answer [Ex. 2].

ARGUMENT

I. This Case May Be Resolved by Summary Disposition

This case is ripe for summary disposition. Rule 250(b) of the Commission's Rules of Practice allows a party to move for summary disposition in cases, such as this one, in which Respondent's answer has been filed and documents have been made available to Respondent for inspection and copying pursuant to Rule 230. Summary disposition should be granted in the Division's favor if "the undisputed pleaded facts … show that there is no genuine issue with regard to any material fact and that the movant is entitled to summary disposition as a matter of law." Rule 250(b); *LegacyXChange, Inc*., Exchange Act Release No. 34-96401, 2022 WL 17345980, at *1 (Nov. 29, 2022). The Commission has repeatedly upheld the use of summary disposition in cases "where the respondent has been enjoined or convicted of an offense listed in Exchange Act Section 15(b) and Advisers Act Section 203, the sole determination is the proper sanction, and no material fact is genuinely disputed." *Gary M. Kornman*, Exchange Act Release

[4] On October 31, 2023, in response to an Order to Show Cause why he failed timely answer the OIP, Respondent provided a certified mail tracking form that indicated his Answer, dated January 31, 2023, had been delivered to the Commission on February 8, 2023. Respondent's Answer to the OIP was one sentence: "The Allegations set forth in Section II of the [OIP] … are not true." Ex. 2. The Order to Show Case was discharged and the parties were ordered to hold a prehearing conference by December 13, 2023, and to file a report of the matters discussed at the prehearing conference by December 27, 2023.

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No. 59403, 2009 WL 367635, at *10 & n.58 (Feb. 13, 2009) (collecting cases), *pet. denied*, 592 F.3d 173 (D.C. Cir. 2010).

This case presents no material questions of fact. The facts discussed herein are subject to official notice or derive from sources that Respondent cannot dispute. Under Rule 323, "[o]fficial notice may be taken of any material fact which might be judicially noticed by a district court of the United States, any matter in the public official records of the Commission, or any matter which is peculiarly within the knowledge of the Commission as an expert body." Pursuant to this provision, the Commission takes official notice of information reflected in FINRA's CRD and IARD and of criminal and civil court records. *See, e.g.*, *Eric David Wanger*, Exchange Act Release No. 79008, 2016 WL 5571629, at *2 & n.11 (Sept. 30, 2016) (taking official notice of information reflected in the CRD); *Duane Hamblin Slade*, Initial Decision Release No. 799, 2015 WL 2457670, at *2 & n.1 (ALJ May 26, 2015) (taking official notice of information reflected in the IARD), *vacated in part on other grounds*, Advisers Act Release No. 5277 (July 2, 2019); *Robert Burton*, Initial Decision Release No. 1014, 2016 WL 3030850, at *2 (ALJ May 27, 2016) (taking official notice of docket reports and court orders from criminal and civil cases).[5] Thus, all of the facts described above—including from the CRD and IARD showing Respondent's association with a registered entity, the Criminal Action docket showing Respondent's felony conviction, the Civil Action docket showing Respondent's permanent injunctions, and Respondent's guilty plea agreement and sworn statements at his guilty plea hearing in which he admitted his lies and deception—are beyond dispute.

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[5] Respondent may not attack his criminal conviction or civil injunction in this administrative proceeding. *Joseph P. Galluzzi*, Exchange Act Release No. 46405, 2002 WL 1941502, at *3 & n.20 (Aug. 23, 2002).

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II. Respondent Should Be Barred from the Securities Industry

Respondent's conduct warrants removal from the industry. Section 15(b)(6) of the Exchange Act and Section 203(f) of the Advisers Act authorize the Commission to bar a person from the securities industry if such a bar is in the public interest and the person (i) was associated with a broker or dealer (Section 15(b)(6)) or an investment adviser (Section 203(f)) at the time of the alleged misconduct and (ii) was convicted within ten years of the commencement of the proceeding of, among other offenses, a felony involving the purchase or sale of a security or was enjoined from engaging in any conduct or practice in connection with the purchase or sale of a security. *See* Exchange Act §§ 15(b)(4)(B)(i), 15(b)(4)(C), 15(b)(6); Advisers Act §§ 203(e)(2)(A), 203(e)(4), 203(f). Exchange Act Section 15(b)(6) also authorizes a penny stock bar on these grounds.

A. This Case Meets the Threshold Requirements for a Bar

There can be no genuine issue that Respondent has both a qualifying felony conviction and a qualifying injunction. *See* Civ. Judgment [Ex. 7] and Cr. Judgment [Ex. 12]. Nor can there be any genuine issue that Respondent was associated with a broker-dealer or an investment adviser at the time of the misconduct at issue. From 2005 to 2008, during which time he committed the fraud, Respondent was an associated person of Investors Capital, a dually registered broker-dealer and investment adviser. *See* Davis CRD [Ex. 3] and Investors Capital Corp. CRD/IARD [Ex. 4]. In the Criminal Action, Respondent admitted that he "owned and operated" FAC and AAG, which he "held out … as investment firms that provided investment advisory services." Plea Agmt. [Ex. 10] at 2-3; Plea Hr. Tr. [Ex. 11] at 22. Respondent further admitted that he "fraudulently obtained funds from victim investors through the offer and sale of purported investment products issued by or obtained through FAC and AAG." *Id.* The

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Commission has held that, "where an individual exercises all of the authority for, and holds all beneficial interest in, an investment adviser, that person is associated with an investment adviser." *Anthony J. Benincasa*, Advisers Act Release No. 1923, 2001 WL 99813, at *2 (Feb. 7, 2001). Accordingly, the facts establish that Respondent acted as an unregistered investment adviser at the time of the fraud. *See, e.g., Richard Vu Nguyen*, Advisers Act Release No. IA-6325, 2023 WL 3931439, at *3 (June 8, 2023) (finding that respondent acted as an unregistered investment adviser when he "held himself out as an investment adviser and acted in that capacity by advising clients … to invest in [a non-existent fund] … [a]nd he received compensation … when he took trading profits and misappropriated investor funds"). Therefore, the only question before the Commission is whether the remedies requested are in the public interest.

B. A Bar Would Serve the Public Interest

Without question, public interest considerations support a bar. The criteria for assessing the public interest are set forth in *Steadman v. SEC*, 603 F.2d 1126, 1140 (5th Cir. 1979), *aff'd on other grounds*, 450 U.S. 91 (1981). Those factors include: 1) the egregiousness of the respondent's actions; 2) the isolated or recurrent nature of the infraction; 3) the degree of scienter involved; 4) the sincerity of the respondent's assurances against future violations; 5) the respondent's recognition of the wrongful nature of his conduct; and 6) the likelihood of future violations. *Id.* The Commission has "repeatedly held that conduct that violates the antifraud provisions of the securities laws is especially serious and subject to the severest of sanctions under securities laws." *Peter Siris*, Exchange Act No. 71068, 2013 WL 6528874, at *6 (Dec. 12, 2013), *pet. denied* 773 F.3d. 89 (D.C. Cir. 2014) (quotation marks and citation omitted).

First, Respondent's fraudulent conduct was egregious. He took in more than $5 million from 30 investors without doing anything to preserve and grow investors' money, as he had represented. Instead, he used investors' funds to perpetuate the fraud and fund an extravagant

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lifestyle. To carry out his fraud, Respondent constructed entire organizations and workshops and lied about nearly every aspect of his organization to his investors. He lulled several investors into believing he had invested their money as promised by mailing or emailing materially misleading account statements – when there were not even any "accounts." These facts strongly support the imposition of a bar. *See, e.g., Bruce C. Worthington*, Exchange Act Release No. 34-98789, 2023 WL 7039955, at *4 (Oct. 24, 2023) (barring investment adviser who misappropriated funds from his client's advisory account for his personal use rather than invest the funds as promised); *Nguyen*, 2023 WL 3931439, at *3-*4 (barring individual who acted as investment adviser, fraudulently raised $2.4 million by falsely guaranteeing the investors' principal, and misappropriated investors' funds for his personal use); *Sean Kelly*, Exchange Act Release No. 94808, 2022 WL 1288179, at *4-*5 (Apr. 28, 2022) (barring individual convicted of securities fraud who "misappropriated funds from multiple investors for personal use" and "misled investors by providing them with false account statements that represented that they held investments that had not been made").

Second, far from an isolated incident, Respondent carried out his fraud for nearly 15 years. Third, Respondent acted with a high degree of scienter. By pleading guilty to mail fraud, Respondent admitted that he acted with the specific intent to defraud the victim investors. *See, e.g., William Harper Minor, Jr.*, Exchange Act Release No. 34-97778, 2023 WL 4126579, at *4 (June 21, 2023) (finding that a respondent convicted of mail fraud, a crime that "requires a specific intent to defraud," acted with a high degree of scienter); *Oscar Ferrer Rivera*, Advisers Act Release No. IA-5759, 2021 WL 2593642, at *4 (June 24, 2021) (same). Moreover, scienter is clear from the lengths Respondent went to conduct his scheme by creating deceptive financial-planning workshops, phony investment documents for non-existent investment products, and

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false account statements purporting to show account growth from guaranteed interest payments. *See Kelly*, 2022 WL 1288179, at *4 (finding respondent's "use of false accounts statements to mislead investors … indicates a high degree of scienter").

Fourth and Fifth, Respondent has neither assured the Commission that he will refrain from future wrongdoing nor recognized his past misdeeds. In his Answer to the OIP, Respondent contends that the allegations in Section II of the OIP concerning his criminal conviction and civil injunction are false. Ex. 2. Although Respondent pleaded guilty in the Criminal Action, he undermined any acknowledgement of wrongdoing in his guilty plea when he appealed his conviction. In this case, Respondent's guilty plea, "does not outweigh the evidence that he poses a risk to the investing public." *Eugenio Garcia Jimenez, Jr.*, Advisers Act Release No. IA-6482, 2023 WL 7731075, at *4 (Nov. 14, 2023); *see also Jose G. Ramirez, Jr.*, Exchange Act Release No. 34-96440, 2022 WL 17401566, at *3 (Dec. 2, 2022).

Sixth, the Commission should bar Respondent to reduce the risk of further violations. "[T]he securities business is one in which opportunities for dishonesty recur constantly." *Justin F. Ficken*, Exchange Act Release No. 58802, 2008 WL 4610345, at *3 (Oct. 17, 2008) (quotation marks and citation omitted). "Although [Respondent] is currently incarcerated, absent a bar, he would have the opportunity to re-enter the securities industry and commit further violations upon his release." *Garcia Jimenez, Jr.*, 2023 WL 7731075, at *4. As the facts underlying Respondent's conviction and injunction make clear, he is unfit to participate in the securities industry and poses a risk to investors. *James S. Tagliaferri*, Exchange Act Release No. 80047, 2017 WL 632134, at *6 (Feb. 15, 2017).

This case does not present the "extraordinary mitigating circumstances" that would be needed to depart with precedent and allow Respondent to remain in the industry that he has

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abused. *Desai*, 2017 WL 782152, at *4 (quotation marks and citation omitted). Rather, Respondent repeatedly made material misrepresentation to investors, falsified account documents, and otherwise lied to investors about the existence of their investments and the status of their accounts, causing millions of dollars in losses. Respondent should be barred.

CONCLUSION

For the foregoing reasons, the Division respectfully requests that the Commission grant this Motion for Summary Disposition and bar Respondent from association with any investment adviser, broker, dealer, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization, or from participating in an offering of penny stock.

Dated: January 4, 2024

Respectfully submitted,

Karen M. Klotz
U.S. Securities and Exchange Commission
Philadelphia Regional Office
One Penn Center
1617 JFK Blvd., Ste. 520
Philadelphia, PA 19103
(215) 861-9613 (telephone)
(215) 597-2740 (facsimile)
KlotzK@sec.gov
Counsel for the Division of Enforcement

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UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-21280

In the Matter of

DARAYL D. DAVIS,

Respondent.

DIVISION OF ENFORCEMENT'S INDEX OF ATTACHMENTS

Attachment	Description
A	Declaration of Karen M. Klotz in support of Motion for Summary Disposition
B	Certificate of Service
C	Exhibits 1 to 13 to Division of Enforcement's Motion for Summary Disposition

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