

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 3840 / May 30, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-15896

In the Matter of

EVERETT C. MILLER,

Respondent.

ORDER INSTITUTING
ADMINISTRATIVE PROCEEDINGS
PURSUANT TO 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 203(f) of the Investment Advisers Act of 1940 (“Advisers Act”) against Everett C. Miller (“Miller” 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 consents to the Commission’s jurisdiction over him and the subject matter of these proceedings and to the entry of this Order Instituting Administrative Proceedings Pursuant to 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. Miller, age 44, is a resident of Marlton, New Jersey. From approximately February 1, 2008, through October 22, 2009, Miller was associated with Carr Miller Capital Investments, LLC (later known as Capital Markets Advisory, LLC), an investment adviser that was registered with New Jersey from February 2008 through December 20, 2010. From approximately June 2006 through December 2010, Miller was chief executive officer, president, principal, and sole owner of Carr Miller Capital, LLC (“CMC”). In addition, from approximately May 2000 through August 2002, Miller was associated with Synergy Investment Group, LLC, a broker-dealer registered with the Commission. Also, from approximately June 2002 through January 2005, Miller was associated with Millenium Brokerage, L.L.C., a broker-dealer registered with the Commission, and from March 2005 through December 2005, Miller was associated with Nationwide Planning Associates, Inc., a broker-dealer registered with the Commission. From approximately March 2005 through June 5, 2006, Miller was also associated with NPA Asset Management, LLC, an investment adviser registered with New Jersey. Miller previously held Series 7, 24, 55, 63, and 65 securities licenses from approximately 2001 until 2006.

2. On July 9, 2013, Miller pled guilty to one count of securities fraud in violation of 15 U.S.C. Sections 78j(b) and 78ff, 17 C.F.R. Section 240.10b-5, and 18 U.S.C. Section 2, and one count of tax evasion in violation of 26 U.S.C. Section 7201 before the United States District Court for the District of New Jersey, in United States v. Everett C. Miller, Crim. Information No. 1:13cr451 (RMB).

3. The criminal information to which Miller pled guilty charged, *inter alia*, that from in or about August 2009 to in or about December 2010, Miller defrauded members of the investing public in conjunction with the offer and sale of securities in the form of CMC promissory notes (the “Notes”) to approximately 40 investors in New Jersey, Pennsylvania, Texas, and elsewhere. Miller falsely represented to investors how their monies would be invested, by either failing to provide material information about the investments, or misleading them about the risks of the investments. The offering of the Notes was not registered with any federal or state agency and the Notes were not exempt from registration requirements. Miller and CMC received more than \$4.99 million from these investors and, without informing investors, Miller commingled and pooled investor monies into CMC bank accounts and used some of those monies to repay other investors, for CMC and its related entities’ payrolls and operating expenses, and to support Miller’s lifestyle.

IV.

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

Accordingly, it is hereby ORDERED pursuant to Section 203(f) of the Advisers Act that Respondent Miller 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.

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, the satisfaction of any or all of the following: (a) any disgorgement ordered against the Respondent, whether or not the Commission has fully or partially waived payment of such disgorgement; (b) any arbitration award related to the conduct that served as the basis for the Commission order; (c) 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 (d) 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.

Jill M. Peterson
Assistant Secretary