

**STATE OF NEW HAMPSHIRE
BUREAU OF SECURITIES REGULATION
DEPARTMENT OF STATE
CONCORD, NEW HAMPSHIRE**

IN THE MATTER OF:

David A. Hunter

Respondent

COM2020-00012

CONSENT ORDER

- I. For purposes of settling the above-referenced matter and in lieu of further administrative proceedings, David A. Hunter, (hereinafter referred to as "DAH"), CRD number 2419972, and the Bureau of Securities Regulation, Department of State, State of New Hampshire (hereinafter referred to as "the Bureau") have entered into this Consent Order. The Respondent, without admitting or denying the allegations contained herein does hereby consent to the following findings, conclusions, undertakings and sanctions:

The Facts

1. DAH provided an unlicensed advisory service located at his home in Bedford, New Hampshire. DAH has been a licensed advisor in the past, however, he has not been licensed since 2013. From at least 2015 to the about July 2020, DAH offered and provided investment advisory services for a fee to seven clients. On July 17, 2020, DAH signed an Interim Consent Order agreeing to cease and desist from this activity.
2. From about 2015 to July 2020 ("the relevant time period"), DAH offered investment advice to seven customers and charged them assets under management fee of one half of one percent and collected about \$55,794 dollars in fees. DAH customers executed DAH trade recommendations in their online accounts. DAH did not make the customer trades.
3. DAH has a contrarian investment strategy. He offered and provided investment recommendations to purchase securities concentrated in gold, treasuries and semiconductors, as he believed that investors should invest for the long-term economic cycles, which in his opinion would see a significant downturn due to the overconcentration of debt and overvaluation. A contrarian invests opposite a bear market and bull market in the belief that a bull market is destined to fall and a bear market is destined to rise. DAH also publishes a newsletter that forecasts the economy and markets.

THE LAW


1. DAH is a "Person" within the meaning of RSA 421-B:1-102(39).
 2. DAH transacted investment advisory business in New Hampshire as defined by RSA 421-B:1-102(26).
 3. Pursuant to RSA 421-B:4-403(a) it is unlawful for any person to transact business in this state as an investment advisory service unless such person is licensed under RSA 421-B or exempt from licensing. DAH is in violation of this section for transacting business as an unlicensed investment advisory service by rendering investment advice to customers for a fee.
 4. Pursuant to RSA 421-B:6-604(a) (1), whenever it appears to the secretary of state that any person has engaged or is about to engage in any act or practice or materially aids in acts constituting a violation of this chapter or any rule under this chapter, he shall have the power to issue and cause to be served upon such person an order requiring the person to cease and desist from violations of this chapter. DAH is subject to this section for conducting unlicensed advisory services.
 5. Pursuant to RSA 421-B:6-604(d), any person who violates any provisions of this chapter may, upon hearing, and in addition to any other penalty provided for by law, be subject to a bar from any registration or license, or an administrative fine not to exceed \$2,500, or both. Each of the acts specified shall constitute a separate violation. DAH is subject to a bar and a fine for violations of RSA 421-B:4-403.
 6. Conducting advisory business requires the payment of an annual licensing fee of \$130 for the initial license and a \$200 renewal fee annually.
 7. Pursuant to RSA 421-B:6-604(g), Respondent can be assessed the costs of the investigation.
- II. In view of the foregoing, the Respondent agrees to the following undertakings and sanctions:
1. Respondent agrees that he has voluntarily consented to the entry of this Order and represents and avers that no employee or representative of the Bureau has made any promise, representation or threat to induce his execution.

2. Respondent agrees to waive his right to an administrative hearing and any appeal therein under this chapter.
3. Upon execution of this order by Respondent, Respondent agrees to pay an administrative fine totaling in the amount of Fifteen Thousand Dollars (\$15,000) to the State of New Hampshire. Respondent also agrees to pay upon execution of this order back licensing fees of One Thousand One Hundred and Thirty Dollars (\$1,130). Respondent agrees to pay costs in the amount of Two Thousand Five Hundred Dollars (\$2,500). Total payment to the State of New Hampshire is Eighteen Thousand Six Hundred Thirty Dollars (\$18,630). Payment shall be made by 1) United States postal money order, certified check, bank cashier's check, or bank money order; 2) made payable to the State of New Hampshire; and 3) hand-delivered or mailed to the Bureau of Securities Regulation, Department of State, State House, Room 204, Concord, New Hampshire, 03301.
4. The Respondents shall cease and desist from further violations of RSA 421-B.
5. Respondent is hereby barred from conducting any securities business in the State of New Hampshire for a two-year period commencing on the date of execution of this Consent Order. This prohibition does not include Respondent's publication and distribution of his newsletter entitled "The Contrarian Value Advisor" so long as the content of the newsletter does not fall outside the publisher's exception to the licensing requirement, RSA 421-B:1-102 (26)(D).
6. Respondent agrees that this Agreement is entered into for purpose of resolving only the matter and issues as described herein and no other issues pending before the State of New Hampshire. This Agreement shall have no collateral estoppel, res judicata, evidentiary, or other legal effect in any other lawsuit, proceeding, or action, not described herein. Likewise, this Agreement shall not be construed to restrict the Bureau's right to initiate an administrative investigation or proceeding relative to conduct that the Bureau was unaware of at the time this consent was executed.
7. The Respondent may not take any action or make or permit to be made any public statement, including in regulatory filings or otherwise, denying, directly or indirectly, any allegation in this consent agreement or create the impression that the consent agreement is without factual basis. Nothing in this provision affects the Respondents' testimonial obligations or right to take legal positions in litigation in which the State of New Hampshire is not a party.

III. Based on the foregoing, the Bureau deems it appropriate and in the public interest to accept and enter into this Order. **THEREFORE, IT IS HEREBY ORDERED THAT:**

1. Respondent pay an administrative fine in the amount of Fifteen Thousand Dollars (\$15,000) as stated above.
2. Respondent pay back licensing fees of One Thousand One Hundred Thirty Dollars (\$1,130) as stated above.
3. Respondent pay costs in the amount of Two Thousand Five Hundred Dollars (\$2,500) as stated above
4. Respondent shall cease and desist from violating RSA 421-B.
5. Respondent is hereby barred from licensure as stated above for a two-year period commencing on the date of execution of this Consent Order.
6. Respondent shall comply with the above-referenced undertakings.

Executed this 22 day of SEPT., 2020.



David A. Hunter

Please print name below:

DAVID A. HUNTER

Entered this 22nd day of September 2020



Barry Glennon, Director