

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

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| <b>IN THE MATTER OF:</b>                                | )   |
|   | )   |
| <b>Interinvest Corp., Inc. and<br/>Hans Peter Black</b> | ) <b>Order Granting<br/>Summary Judgement<br/>I-2014-000016</b> |
|   | )   |
| <b>Respondents</b>                                      | )   |

**BACKGROUND**

On May 12, 2015, the Bureau of Securities Regulation (hereinafter referred to as “the Bureau”) filed an Amended Staff Petition for Relief in the above-referenced matter. At the time, Respondents included the two respondents currently named in this matter as well as Alexander R. Black, who was subsequently dismissed as a respondent in this matter. The Bureau’s Staff Petition alleged against all the Respondents:

1. Securities fraud in violation of N.H. RSA 421-B:4 for failure to disclose material facts with respect to a legal or disciplinary event that are material to an evaluation of the advisers integrity or ability to meet contractual commitments to clients.
2. Unethical business practices and securities fraud in violation of N.H. RSA 421-B:4 for recommending and purchasing unsuitable securities in investor accounts.
3. Unethical business practices and misrepresentation in violation of N.H. RSA 421-B:4 for misrepresenting advisory fees to clients.

4. Unethical business practices and securities fraud in violation of N.H. RSA 421-B:4 for failing to disclose compensation arrangements.

5. Selling unregistered securities in violation of N.H. RSA 421-B:11 for trading in certain securities without ensuring the securities were properly registered in New Hampshire.

Respondent Alexander Black was dismissed as a respondent in this matter on July 29, 2015, pursuant to a Bureau Motion for Voluntary Nonsuit. On June 16, 2015, the Bureau submitted a Motion for Default against Respondent Interinvest Corp., Inc. based on the failure of any officer, director or other legally authorized representative of Interinvest to appear on behalf of Interinvest despite the serving of notice of this proceeding. The motion was granted on July 28, 2015.

After the default judgement against Interinvest, the Bureau submitted a Second Amended Staff Petition for Relief on September 16, 2015. The Bureau's Second Amended Staff Petition alleged against Respondent Black "control person" liability based on N.H. RSA 421-B:26, III-a for the violations found against Interinvest in the July 28, 2015 Motion for Default.

On November 19, 2015, the Bureau submitted a Motion for Summary Judgement. Respondent Black did not respond in writing or otherwise to the Bureau's motion. A hearing was ordered for December 4, 2015 and each party was duly notified. Respondent Black failed to appear for that hearing. At hearing, the Bureau addressed the issues presented by its motion and presented oral argument and legal support for its position.

## SUMMARY

This decision addresses issues raised by the Bureau in its Motion for Summary Judgement. Although no standard for summary judgement is explicitly stated in N.H.

RSA 421-B:26-a, the statute does provide broad authority for the presiding officer to make a determination as to whether he should find for summary judgment and upon which grounds a ruling should be made.

As noted in the Bureau's Motion for Summary Judgment, the standard to be utilized when determining whether a motion for summary judgment is proper is as follows: if review of the evidence discloses no genuine issue of material fact and if the moving party is entitled to judgment as a matter of law, then a grant of summary judgment is proper. Based on this standard, where facts asserted by Respondent Black and BSR disclose no genuine issues of material facts a grant of summary judgment would be proper. Therefore, summary judgment against Respondent Black is granted and all allegations contained in the Bureau's Staff Petitions as amended are found to be true.

### **DECISION AND ORDER**

The Bureau has moved for summary judgment against Respondent Black based on his liability as a control person of Respondent Interinvest. In reviewing a motion for summary judgment, an adjudicator should "consider all of the evidence presented in the record, and all inferences drawn therefrom, in the light most favorable to the non-moving party." *EnergyNorth Nat. Gas, Inc. v. City of Concord*, 48 A.3d 960, 962 (N.H. 2012). If the adjudicator's review of the evidence "discloses no genuine issue of material fact and if the moving party is entitled to judgment as a matter of law," the motion should be granted. *Id.*

As noted, Respondent Black did not challenge any part of the Bureau's motion, neither in writing nor at hearing. This despite adequate notice. This, in fact, represents an ongoing pattern that Respondent Black has demonstrated of disregarding deadlines and requirements for continuances under N.H. RSA 421-B:26-a. Over the course of this hearing process, Respondent Black has:

1. Failed to comply with an agreed-upon deadline to submit an answer to the Bureau's claims as contained in its Amended Staff Petition.
2. Failed to attend the duly-noticed hearing on the Bureau's Motion for Default against Respondent Interinvest either in representation of himself or of Interinvest.
3. Failed to provide requested discovery to the Bureau in compliance with the Scheduling Order of June 18, 2015.
4. Failed to provide preliminary and final witness and exhibit lists in compliance with the Scheduling Order of June 18, 2015.
5. Failed to submit to sworn deposition as requested by the Bureau in compliance with the Scheduling Order of June 18, 2015.

Therefore, Respondent Black has been given every opportunity to dispute the factual claims of the Bureau and has failed to do so. And while the Bureau and this presiding officer are aware of health issues that may have complicated scheduling for Mr. Black, the Respondent was advised early on in these proceedings and repeatedly thereafter that he must follow proper procedures in seeking to delay or continue any deadlines or hearings in this matter. He has repeatedly failed to do so, but most relevantly, he has failed to do so with regard to the Bureau's Motion for Summary Judgement and the hearing thereon.

The Bureau's motion provided substantial evidence in the form of Central Registration Depository ("CRD") records demonstrating that Respondent Black was:

1. Chairman of Interinvest – July 1992 – March 31, 2011
2. Chief Investment Officer of Interinvest – March 31, 2011 – July 22, 2015
3. President of Interinvest – May 1, 2014 – July 22, 2015

Thus, Respondent Black was a control person as enumerated by N.H. RSA 421-B:26, III-a. Again, Mr. Black never availed himself of the opportunity to dispute these claims. In addition, the evidence offered by the Bureau demonstrated that Respondent Black

held these positions as a control person of Interinvest during the period of all violations found against Interinvest in the July 28, 2015 Default Order.

As a result, it is clear that the Bureau's allegations against Respondent Hans Black and the evidence presented disclose no genuine issue of material fact with regard to Mr. Black's liability.

## ORDER

THEREFORE, it is hereby ORDERED that:

1. The Bureau's Motion for Summary Judgement is granted.
  
2. Respondent Black is jointly and severally liable for all relief granted against Interinvest in the Default Order issued July 28, 2015.
  
3. Respondent Black shall permanently cease and desist from further violations of N.H. RSA 421-B.
  
4. Respondent Black is permanently barred from any securities licensure in the state of New Hampshire, in accordance with N.H. RSA 421-B:10, I.
  
5. Respondent Black shall, jointly and severally with Respondent Interinvest Corp., Inc., pay an administrative fine of \$250,000.00.
  
6. Respondent Black shall, jointly and severally with Respondent Interinvest Corp., Inc., pay the Bureau's costs of investigation of \$50,000.00.
  
7. Respondent Black shall, jointly and severally with Respondent Interinvest Corp., Inc., pay restitution for realized losses to Investor #1, as identified in the Bureau's Second Amended Staff Petition for Relief, totaling \$177,755.74, minus any amounts that Investor #1 has received from third-party settlements.

8. Respondent Black shall, jointly and severally with Respondent Interinvest Corp., Inc., pay restitution for realized losses to Investor #2, as identified in the Bureau's Second Amended Staff Petition for Relief, totaling \$30,411.39, minus any amounts that Investor #1 has received from third-party settlements.

9. Respondent Black shall, jointly and severally with Respondent Interinvest Corp., Inc., pay restitution for realized losses to Investor #3, as identified in the Bureau's Second Amended Staff Petition for Relief, totaling \$25,919.07, minus any amounts that Investor #1 has received from third-party settlements.

10. Respondent Black shall, jointly and severally with Respondent Interinvest Corp., Inc., make an offer of rescission to Investor #1 for 53,957 shares of the stock of Les Aliments Soyummi Inc., with a total cost basis to Investor #1 of \$161,871.00.

11. Respondent Black shall, jointly and severally with Respondent Interinvest Corp., Inc., pay \$10,000.00 to Investor #1 and Investor #2 for excessive fees.

SIGNED,

WILLIAM M. GARDNER  
SECRETARY OF STATE  
BY:

Dated: 12/7/10

  
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KEVIN B. MOQUIN  
PRESIDING OFFICER