

STATE OF NEW HAMPSHIRE
BUREAU OF SECURITIES REGULATION
DEPARTMENT OF STATE
25 CAPITOL STREET
CONCORD, NH 03301

CONSENT ORDER

Daniel Olivier

COM2019-0006

- I. For purposes of settling the above-referenced matter and in lieu of further administrative proceedings, Daniel Olivier (hereinafter referred to as “Olivier”), has submitted an offer of settlement, which the Bureau of Securities Regulation, Department of State, State of New Hampshire (hereinafter referred to as the “Bureau”) has determined to accept. Accordingly, Olivier does consent to the factual allegations, findings, conclusions and to the entry of this Consent Order:

STATEMENT OF FACTS

1. Daniel Olivier (hereinafter “Olivier”) resides in Lancaster, New Hampshire. In 2017, Olivier befriended the complainant in this matter, Investor #1, who resides in St. Johnsbury, Vermont. At the time of these events, both Olivier and Investor #1 resided in Lancaster, New Hampshire. Over the course of several months from at least November 2017 to April 2018, Olivier built trust in Investor #1 through the common bond of religious beliefs. Olivier and Investor #1 became friends and socialized together and talked about their common religious beliefs. At times they would pray together and when communicating would thank the Lord for bringing them together as friends. At times Investor #1, knowing that Olivier was a family man with young children would expend his own money to help Olivier. For example, Olivier’s family vehicle broke down and Investor #1 helped Olivier fix the vehicle by providing money and the means to fix it. As a return favor, Olivier told Investor #1 in about December 2017 that he was very successful trading in the securities markets and made money every month. In about December 2017, Olivier suggested to Investor #1 that he would pay him back for the vehicle repair by investing his money in options trading.

2. On January 23, 2015, Olivier had opened a trading account at TD Ameritrade. Olivier also used the TD Ameritrade account for check writing, check deposit, wire transfers and debit withdrawals. Over the course of five months from December 2017 to April 2018, Olivier received about twenty-four thousand nine-hundred dollars (\$24,900) from Investor #1 to invest in Olivier's securities trading. The investment money was turned over to Olivier over the course of the five months based on the false representations of Olivier that the money would be invested and that Olivier would make money trading securities and that Olivier was making money trading options. In actuality Olivier was not making money and all of Investor #1's money was lost either through the securities trading or through unauthorized debit withdrawals for the purchase of items of a personal nature for Olivier.

3. Olivier defrauded Investor #1 out of his investment money by employing a scheme to defraud, by use of material misrepresentation and omission, and by engaging in an act or practice that operated as a fraud or deceit upon Investor #1. There are three primary ways in which Olivier defrauded Investor #1. First, Olivier represented to Investor #1 that he was successful trading securities and that he made money every month. In actuality this was false. The Olivier TD Ameritrade trading account was opened on about January 23, 2015. During many months of the accounts history prior to December 2017 there was little if any securities trading taking place. In the months that there was trading, many months netted a loss. When Olivier recommended trading to Investor #1 in about December 2017, the year-to-date securities trading had a net loss of over six thousand dollars. Second, at times when Investor #1 gave Olivier money to invest, not all the investment money was deposited into the TD Ameritrade account. For example, in January 2018, Investor #1 gave Olivier three thousand dollars to invest withdrawn on his account at First Interstate Bank. Only twenty-eight hundred dollars of that money was deposited into the TD Ameritrade account on January 23, 2018. Third, on February 13, 2018, Olivier texted Investor #1 and stated that the TD Ameritrade account had increased in value to seventy-three hundred dollars (\$7,300). In actuality, that day, it was no higher than one-thousand two-hundred seventy-eight dollars and thirty-three cents (\$1,278.33). Again on April 9, 2018, Olivier texted Investor #1 and stated that the TD Ameritrade account was down to twenty thousand dollars (\$20,000). In actuality the account

balance that day was no higher than one thousand three hundred seventy-three dollars and ten cents (\$1,373.10). Olivier's false and misleading text messages touted favorable trading which lead Investor #1 to keep adding to his investment money with Olivier and lead to greater investment losses for Investor #1 and the unauthorized use of his money for Olivier's personal expenses.

STATEMENTS OF LAW

1. Olivier is a "person" within the meaning of N.H. RSA 421-B:102(39)
2. The agreement between Investor #1 and Olivier for the money of Investor #1 to be invested by Olivier into Olivier's TD Ameritrade account for the purpose of securities trading and making a profit for Investor #1 was an investment contract and a security as defined by RSA 421-B:102(29)(A).
3. Pursuant to RSA 421-B:5-501(a), it is unlawful for any person, in connection with the offer, sale, or purchase of any security, directly or indirectly: (1) To employ any device, scheme, or artifice to defraud; (2) To make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading; or (3) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person. Olivier violated this section by misrepresenting and omitting material facts to Investor #1, by employing a scheme to defraud, and by engaging in an act or practice that operate as a fraud or deceit upon Investor #1.
4. Pursuant to RSA 421-B:6-604(d), in a final order, the secretary of state may impose a civil penalty up to a maximum of \$2,500 for a single violation. In addition, every such person who is subject to such civil penalty, upon hearing, and in addition to any penalty provided by law, be subject to such suspension, revocation, or denial of any registration or license, or be barred from registration or licensure. Olivier is subject to this provision and could be fined up to \$2,500 for each and every fraudulent inducement of investment money transfer perpetrated on Investor #1 by Olivier and be barred from any further securities business.
5. Pursuant to RSA 421-B:6-604(a), if the secretary of state determines that a person has, is, or is about to materially aid in an act, practice, or course of business constituting a violation of this chapter, the secretary of state may issue an order directing the person to cease and

desist from engaging in an act, practice, or course of business or to take other action necessary or appropriate to comply with this chapter. Olivier is subject to this section and should be required to cease and desist from engaging in the conduct as described in the Statements of Fact for violations of RSA 421-B:5-501.

6. Pursuant to RSA 421-B:6-604(g), in any investigation to determine whether any person has violated any rule or order under this title, the secretary of state shall be entitled to recover the costs of the investigation. Olivier is subject to this provision and should be ordered to pay the Bureau's costs.

II. In view of the foregoing, Olivier agrees to the following:

1. Olivier agrees that he voluntarily consented to the entry of this Consent Order and represents and avers that no employee or representative of the Bureau has made any promise, representation, or threat to induce their signing of this Order.
2. Olivier agrees to waive his right to an administrative hearing and any appeal thereof under this chapter.
3. Olivier agrees to cease and desist from any violations of N.H. RSA 421-B.
4. Olivier agrees to be permanently barred from licensure and transacting any securities business for the accounts of others
5. Olivier agrees that this Order is entered into for purposes of resolving only the matter as described herein. This Order shall have no collateral estoppel effect in any other lawsuit, proceeding, or action, not described herein. Likewise, this Order shall not be construed to restrict the Bureau's right to initiate an administrative investigation or proceeding relative to conduct by Olivier which the Bureau has no knowledge at the time of the date of final entry of this Consent Order.
6. Olivier agrees not to take any action or make any public statement, including in regulatory filings or otherwise, denying, directly or indirectly, any allegation in this Consent Order or create the impression that the Consent Order is without factual basis. Nothing in this provision affects Olivier's right to take legal or factual positions in litigation or other legal proceedings in which the Bureau is not a party. Olivier agreed to make restitution to Investor #1 through the criminal case resolved in Coos County Superior Court.

7. Olivier agrees, pursuant to this Consent Order, to pay to the Bureau an administrative fine of Seven Thousand Five Hundred Dollars (\$7,500.00), plus costs of Two Thousand Five Dollars (\$2,500.00), total Ten Thousand Dollars (\$10,000.00). Payment shall be made at the rate of \$100.00 per month to the State of New Hampshire until paid in full commencing upon the date of execution of the Consent Order and continuing each month thereafter on the same day. Payment must be made by 1) business check or certified check; 2) made payable to the State of New Hampshire; and 3) mailed to the Bureau of Securities Regulation, Department of State, State House, Room 204, Concord, New Hampshire, 03301.

III. In view of the foregoing, the Bureau HEREBY ORDERS the following relief under RSA 421-B, the New Hampshire Uniform Securities Act:

1. Find as fact the allegations contained in Section I above;
2. Make conclusions of law, based upon the Statements of Law above, as applied to the facts stated in Section I above;
3. Pursuant to RSA 421-B:6-604(a) Order Olivier to Cease and Desist for violations of the New Hampshire Uniform Securities Act;
4. Pursuant to RSA 421-B:6-604(a), issue a permanent registration and licensure bar against Olivier for violations of the New Hampshire Uniform Securities Act;
5. Pursuant to RSA 421-B:6-604(d), assess an administrative fine in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00) against Olivier to be paid as indicated above;
6. Pursuant to RSA 421-B:6-604(g) assess costs of this investigation in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) against Olivier to be paid as indicated above;
7. Respondent shall comply with all requirements of this Consent.

Executed this ____ day of _____, 2021

Executed this 22 day of July, 2021


Daniel Olivier

Executed this 27th day of July, 2021



Eric Forcier, Deputy RSA 421-A+B
Secretary of State