

ADMINISTRATIVE PROCEEDING

BEFORE THE

SECURITIES COMMISSIONER OF SOUTH CAROLINA

IN THE MATTER OF:

Randy Leroy Geter

Respondent.

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ORDER TO CEASE AND DESIST

File No. 16058

WHEREAS, the Securities Division of the Office of the Attorney General of the State of South Carolina (the “Division”) has been authorized and directed by the Securities Commissioner of South Carolina (the “Securities Commissioner”) to administer the provisions of S.C. Code Ann. § 35-1-101, *et seq.*, the South Carolina Uniform Securities Act of 2005 (the “Act”); and

WHEREAS, the Division received information regarding alleged securities-related activities of Randy Leroy Geter (“Geter”) (also referred to as the “Respondent”); and

WHEREAS, based on the information received, the Division decided it was necessary and appropriate to open an investigation pursuant to S.C. Code Ann. § 35-1-602 to determine whether the Respondent had violated, was violating, or was about to violate the Act; and

WHEREAS, in connection with the investigation, the Division has determined that evidence exists to support the following findings of fact and conclusions of law:

I. JURISDICTION

1. The Securities Commissioner has jurisdiction over this matter pursuant to S.C. Code Ann. § 35-1-601(a).

II. RESPONDENT

2. Randy Leroy Geter is a South Carolina resident with a last known address of 1345 Essex Drive, Orangeburg, South Carolina, 29118.

III. FINDINGS OF FACT

3. Respondent is not registered as a broker-dealer, agent, or issuer in South Carolina.
4. Respondent has not registered securities for sale in South Carolina.
5. On May 23, 2006, Respondent signed a warning letter issued by the Division.
6. The warning letter made Respondent aware of the Act and the fact that he had violated the Act approximately seven years earlier by selling an unregistered security as an unregistered agent.
7. Respondent acknowledged that he signed and understood the warning letter from the Division.
8. From 2011 to 2014, Respondent acknowledged receiving approximately 180,000 dollars from a South Carolina resident.
9. The money received from that South Carolina resident (“Resident One”) was to be invested in a Certificate of Deposit earning a 10 percent return.
10. When interviewed, Respondent said that he used Resident One’s money to trade stocks on the platforms TD Ameritrade and Trade Monster/Options House in accounts in the name of the Respondent, instead of investing it in a Certificate of Deposit as promised.
11. Respondent acknowledges that in 2014, he was given approximately 16,000 dollars by another South Carolina resident (“Resident Two”) for deposit into Resident Two’s bank account.
12. When interviewed, Respondent said that he did not deposit the 16,000 dollars into Resident Two’s bank account, but instead used it to pay a partial return to Resident One.

IV. CONCLUSIONS OF LAW

13. The South Carolina Uniform Securities Act of 2005, S.C. Code Ann. § 35-1-101, *et seq.*, governs the offer and sale of securities in this State.
14. Pursuant to S.C. Code Ann. § 35-1-102(29), notes, investment contracts, stock, and certificates of interest or participation in profit-sharing agreements, *inter alia*, constitute securities.
15. Pursuant to S.C. Code Ann. §§ 35-1-301, 35-1-401, and 35-1-402, it is unlawful for a person to offer or sell a security in this State unless the person is properly registered or exempt, and the security is a federal covered security, exempt from registration, or registered.
16. Pursuant to S.C. Code Ann. § 35-1-501, it is unlawful for a person, in connection with the offer, sale, or purchase of a security, directly or indirectly (1) to employ a device, scheme, or artifice to defraud; (2) to make an untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or (3) to engage in an act, practice, or course of business that operates or would operate as a fraud or deceit upon another person.
17. The security offered and sold by the Respondent was not a federal covered security, exempt from registration, nor registered with the United States Securities and Exchange Commission or the Division and was offered and sold in violation of S.C. Code Ann. § 35-1-301.
18. The Respondent, on at least one occasion, transacted business in this State as a broker-dealer, issuer or agent.

19. The Respondent did so while the Respondent was not registered or exempt from registration.
20. The Respondent, on at least one occasion and in connection with the offer, sale, or purchase of a security, directly or indirectly (1) employed a device, scheme, or artifice to defraud; (2) made an untrue statement of a material fact or omitted to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or (3) engaged in an act, practice, or course of business that operated or would operate as a fraud or deceit upon another person, in violation of S.C. Code Ann. § 35-1-501.
21. It is in the public interest, for the protection of investors, and consistent with the purposes of the Act that the Respondent be ordered to cease and desist from engaging in the above-enumerated practices, which constitute violations of the Act and pay an appropriate civil penalty for his wrongdoing.

V. CEASE AND DESIST ORDER

NOW THEREFORE, pursuant to S.C. Code Ann. § 35-1-604(a)(1), it is hereby **ORDERED** that:

- a. Respondent Randy Leroy Geter **CEASE AND DESIST** from transacting business in this State in violation of the Act, and, in particular, §§ 35-1-301, 35-1-401, 35-1-402, and 35-1-501 thereof;
- b. Respondent Randy Leroy Geter pay a civil penalty in the amount of thirty thousand dollars (\$30,000) if this Order becomes effective by operation of law, or, if the Respondent seeks a hearing and any legal authority resolves this matter, pay a civil

penalty in an amount not to exceed \$10,000 for each violation of the Act by Geter, and the actual cost of investigation or proceeding; and

IT IS FURTHER ORDERED that, pursuant to S.C. Code Ann. §§ 35-1-604(a)(2) and (3), any exemption from registration with the Division upon which Respondent may claim to rely under S.C. Code Ann. §§ 35-1-201(3)(C), (7), or (8); 35-1-202; 35-1-401(b)(1)(D) or (F); or 35-1-403(b)(1)(C), has been and is **PERMANENTLY REVOKED**.

VI. REQUIREMENT OF ANSWER AND NOTICE OF OPPORTUNITY FOR HEARING

Respondent is hereby notified that he has the right to a hearing on the matters contained herein. To schedule such a hearing, the Respondent must file with the Securities Division, Post Office Box 11549, Rembert C. Dennis Building, Columbia, South Carolina, 29211-1549, attention: Thresechia Navarro, within thirty (30) days after the date of issuance of this Order to Cease and Desist, a written Answer specifically requesting a hearing. If the Respondent requests a hearing, the Division, within fifteen (15) days after receipt of a request in a record from the Respondent, will schedule the hearing for the Respondent.

In the written Answer, the Respondent, in addition to requesting a hearing, shall admit or deny each factual allegation in this Order, shall set forth specific facts on which the Respondent relies, and shall set forth concisely the matters of law and affirmative defenses upon which the Respondent relies. If the Respondent is without knowledge or information sufficient to form a belief as to the truth of an allegation, he shall so state.

Failure by the Respondent to file a written request for a hearing in this matter within the thirty-day (30) period stated above shall be deemed a waiver by the Respondent of the right to such a hearing. Failure of the Respondent to file an Answer, including a request for a hearing,

shall result in this Order, including the stated civil penalty and any assessed costs, becoming final as to the Respondent by operation of law.

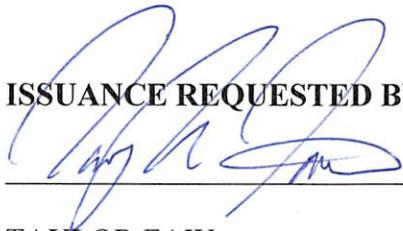
This Order does not prevent the Division or any other law enforcement agency from seeking additional civil or criminal remedies as are available under the Act, including remedies related to the offers and sales of securities by the Respondent set forth above.

ENTERED, this the 21st day of September, 2016.

ALAN WILSON
SECURITIES COMMISSIONER

By: Tracy Meyers
TRACY A. MEYERS
Deputy Securities Commissioner

ISSUANCE REQUESTED BY:



TAYLOR FAW
Assistant Attorney General
Securities Division
Rembert C. Dennis Building
1000 Assembly Street
Columbia, South Carolina 20201

STATE OF SOUTH CAROLINA
OFFICE OF THE ATTORNEY GENERAL
SECURITIES DIVISION

CERTIFICATE OF SERVICE AND
AFFIDAVIT OF COMPLIANCE
File Number 16058

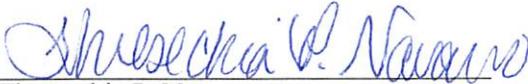
I hereby certify that I served upon the individual/entity listed below a copy of the document indicated below and dated September 21, 2016, by serving a copy of said document upon the Securities Commissioner of the State of South Carolina and by placing a copy of said document in the United States mail, certified mail, return receipt requested, first class postage prepaid and addressed to:

Randy Leroy Geter
1345 Essex Drive
Orangeburg, SC 29118

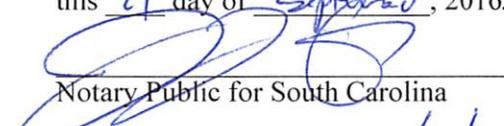
Document(s): Order to Cease and Desist

Mailed September 21, 2016 from Columbia, South Carolina.

I further hereby certify, swear and affirm that, service of the above-listed entity is in compliance with Section 35-1-611, Code of Laws of South Carolina.

By: 
Thresechia P. Navarro
South Carolina Attorney General's Office
Securities Division
Post Office Box 11549
Columbia, SC 29211-1549
(803) 734-4731

Subscribed and sworn to before me on
this 21 day of September, 2016.


Notary Public for South Carolina

My commission expires: 7/2/18