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8 BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT
9 OF THE STATE OF CALIFORNIA

10 In the Matter of) CRD NO.: 2974523
11 THE COMMISSIONER OF BUSINESS)
12 OVERSIGHT,) ORDER BARRING CHRISTOPHER D.
13 Complainant,) EMPLOYMENT, MANAGEMENT OR
14 v.) CONTROL OF ANY INVESTMENT
15 C & D PROFESSIONAL SERVICES, INC.,) ADVISER, BROKER-DEALER OR
16 doing business as C & N WEALTH) COMMODITY ADVISER PURSUANT TO
17 MANAGEMENT, an entity, and) CORPORATIONS CODE SECTION 25232.1
18 CHRISTOPHER D. DOUGHERTY, an)
19 individual,)
Respondents.)

20 To: Mr. Christopher D. Dougherty
21 2445 Morena Boulevard, Suite 205
San Diego, CA 92110

22 1. On April 21, 2020, the Department of Business Oversight for the State of California
23 (DBO) brought an action in order to bar respondent Christopher D. Dougherty (Dougherty) from any
24 positions of employment, management or control of any investment adviser, broker-dealer or
25 commodity adviser pursuant to Corporations Code section 25232.1. The action was served on
26 Dougherty. A hearing was not requested on the action within 30 days of service as required, and the
27 time period has expired to request a hearing.

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1 **A. Respondents**

2 2. At all relevant times, Dougherty is and was a resident of San Diego County,
3 California, and the president and control person of C & D Professional Services, Inc., doing business
4 as C & N Wealth Management (C & N Wealth Management) (collectively Respondents).

5 3. At all relevant times, C & N Wealth Management, a California corporation, held a
6 valid investment adviser certificate issued by the Commissioner on November 13, 2012, pursuant to
7 Corporations Code section 25230, until the Commissioner summarily suspended C & N Wealth
8 Management’s investment adviser certificate on April 4, 2019. C & N Wealth Management was an
9 investment adviser business located at 2445 Morena Boulevard, Suite 205, San Diego, CA 92110.

10 **B. The Examination of C & N Wealth Management’s Investment Adviser Business**

11 4. Beginning on or about June 21, 2018, the Commissioner’s staff made numerous
12 attempts to schedule a regulatory examination of C & N Wealth Management. Once C & N Wealth
13 Management responded to the Commissioner’s staff, C & N Wealth Management postponed and
14 delayed the start date of the regulatory examination.

15 5. On or about December 14, 2018, the Commissioner’s staff sent a letter to C & N
16 Wealth Management indicating that the regulatory examination must commence and be completed
17 by no later than January 28, 2019 or C & N Wealth Management will be deemed to have willfully
18 violated Corporations Code section 25241 and may be subject to disciplinary action, including
19 suspension of its investment adviser certificate.

20 6. C & N Wealth Management and the Commissioner’s staff scheduled the examination
21 to commence on January 22, 2019. On January 22, 2019, C & N Wealth Management and the
22 Commissioner’s staff meet and, on January 23, 2019, C & N Wealth Management provided
23 incomplete records to the Commissioner’s staff. The Commissioner’s staff requested that C & N
24 Wealth Management produce the outstanding books and records.

25 7. A second meeting was scheduled between C & N Wealth Management and the
26 Commissioner’s staff for February 19, 2019 to complete the regulatory examination. However,
27 C & N Wealth Management cancelled the February 19, 2019 meeting before it could take place.

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1 **C. The Suspension of C & N Wealth Management’s Investment Adviser Certificate**

2 8. On or about April 4, 2019, the Commissioner issued an Order Summarily Suspending
3 Investment Adviser Certificate (Order Summarily Suspending) to C & N Wealth Management based
4 on its failure to produce all books and records requested by the Commissioner’s staff and for failing
5 to submit to a regulatory examination.

6 9. The Order Summarily Suspending was served on C & N Wealth Management and
7 C & N Wealth Management failed to request a hearing challenging the Order Summarily
8 Suspending. The Order Summarily Suspending is now final.

9 10. To date, C & N Wealth Management has failed to produce all books and records
10 requested by the Commissioner’s staff and has failed to submit to a regulatory examination.

11 **D. The Criminal Conviction of Dougherty**

12 11. On or about April 26, 2019, the Office of the District Attorney for the County of San
13 Diego filed felony criminal charges against Dougherty, including grand theft, financial elder abuse,
14 and making misrepresentations and omissions in the offer of securities, in relation to Dougherty’s
15 operation of C & N Wealth Management from 2013 to 2018.

16 12. On or about March 13, 2020, Dougherty plead guilty, to felony charges of grand theft
17 and making misrepresentations and omissions in the offer of securities and was convicted.

18 Corporations Code section 25232.1 provides that the Commissioner may bar, from any
19 position of employments, management or control of any investment adviser, broker-dealer or
20 commodity adviser, an officer or control person of an investment adviser, if the Commissioner finds
21 the bar is in the public interest and the person has committed certain acts or omissions specified in
22 subdivisions of Corporations Code section 25232, including subdivision (e), prohibiting the
23 investment adviser from willfully failing to produce records to the Commissioner and submit to an
24 examination in violation of Corporations Code section 25241, and subdivision (b), because the
25 person has been convicted of a felony which the Commissioner finds involves the purchase or sale of
26 any security, or arose out of the conduct of the business of an investment adviser, or involves theft.

27 The Commissioner finds that each of the above specified acts or omissions provide an
28 independent basis under Corporations Code section 25232.1, justifying the issuance of an Order

1 barring Christopher D. Dougherty from any position of employment, management or control of any
2 investment adviser, broker-dealer or commodity adviser. Based upon the foregoing, the
3 Commissioner finds it in the public interest to bar Christopher D. Dougherty from any position of
4 employment, management or control of any investment adviser, broker-dealer or commodity adviser.

5 NOW THEREFORE, GOOD CAUSE SHOWING, IT IS HEREBY ORDERED that
6 Christopher D. Dougherty is barred in the State of California from any position of employments,
7 management or control of any investment adviser, broker-dealer or commodity adviser pursuant to
8 Corporations Code section 25232.1 for acts or omissions specified in Corporations Code section
9 25232, subdivisions (e) and (d). This order and bar are effective immediately and will remain in
10 effect until further order of the Commissioner.

11 This order is necessary, in the public interest, for the protection of investors and consistent
12 with the purposes, policies, and provisions of the Corporate Securities Law of 1968.

13 Dated: June 17, 2020

MANUEL P. ALVAREZ
Commissioner of Business Oversight

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By: _____
MARY ANN SMITH
Deputy Commissioner
Enforcement Division