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

10 In the Matter of) IARD NO.: 165457
11 THE COMMISSIONER OF BUSINESS)
12 OVERSIGHT,) ORDER REVOKING INVESTMENT
13 Complainant,) ADVISER CERTIFICATE OF C & D
14 v.) PROFESSIONAL SERVICES, INC., DOING
15 C & D PROFESSIONAL SERVICES, INC.,) BUSINESS AS C & N WEALTH
16 doing business as C & N WEALTH) MANAGEMENT
17 MANAGEMENT, an entity, and)
18 CHRISTOPHER D. DOUGHERTY, an)
19 individual,)
Respondents.)

20 To: C & D Professional Services, Inc.,
21 doing business as C & N Wealth Management
22 Mr. Christopher D. Dougherty
23 2445 Morena Boulevard, Suite 205
San Diego, CA 92110

24 1. On April 21, 2020, the Department of Business Oversight for the State of California
25 (DBO) brought an action in order to revoke the investment adviser certificate of C & D Professional
26 Services, Inc., a California Corporation, doing business as C & N Wealth Management (C & N
27 Wealth Management), pursuant to Corporations Code section 25232. The action was served on C &
28 N Wealth Management. A hearing was not requested on the action within 30 days of service as

1 required, and the time period has expired to request a hearing.

2 **A. The Respondents**

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

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

11 **B. The Examination of C & N Wealth Management's Investment Adviser Business**

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

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

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

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

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

26 The Commissioner finds that each of the above specified acts or omissions provide an
27 independent basis under Corporations Code section 25232, justifying the issuance of an Order
28 revoking the investment adviser certificate of C & D Professional Services, Inc., doing business as

1 C & N Wealth Management. Based upon the foregoing, the Commissioner finds it in the public
2 interest to revoke the investment adviser certificate of C & D Professional Services, Inc., doing
3 business as C & N Wealth Management.

4 NOW THEREFORE, GOOD CAUSE SHOWING, IT IS HEREBY ORDERED that the
5 investment adviser certificate of C & D Professional Services, Inc., doing business as C & N Wealth
6 Management is revoked pursuant to Corporations Code section 25232 for acts or omissions specified
7 in subdivisions (e) and (d) of that section. This order and revocation are effective immediately and
8 will remain in effect until further order of the Commissioner.

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

11 Dated: June 17, 2020

MANUEL P. ALVAREZ
Commissioner of Business Oversight

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13 By: _____
14 MARY ANN SMITH
15 Deputy Commissioner
16 Enforcement Division
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