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16 BEFORE THE DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION
 17 OF THE STATE OF CALIFORNIA

<p>18 In the Matter of:</p> <p>19 THE COMMISSIONER OF FINANCIAL 20 PROTECTION AND INNOVATION, 21 Complainant, 22 v. 23 GARRETT CAPITAL INC., 24 Respondent.</p>	<p>25 CRD NO.: 116107</p> <p>26 STATEMENT IN SUPPORT OF ORDER TO 27 DISCONTINUE VIOLATIONS PURSUANT 28 TO CORPORATIONS CODE SECTION 25249</p>
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29 The Commissioner of Financial Protection and Innovation (Commissioner) alleges and
 30 charges as follows:

- 31 1. GARRETT CAPITAL INC. (GARRETT CAPITAL INVESTMENT
 32 MANAGEMENT) is a Utah formed Corporation, with its principal office located at 1134 KING'S
 33 COURT, KAYSVILLE, UT 84037.

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1 2. GARRETT CAPITAL INVESTMENT MANAGEMENT holds a valid investment
2 adviser certificate issued by the Commissioner pursuant to Corporations Code section 25230.
3 GARRETT CAPITAL INVESTMENT MANAGEMENT is assigned Central Registration
4 Depository (CRD) Number of 116107.

5 3. GARRETT, DAVID, LAWRENCE (CRD Number 1114266) is the 100% owner and
6 investment adviser representative of GARRETT CAPITAL INVESTMENT MANAGEMENT.

7 4. On June 30, 2022, the Commissioner instructed GARRETT CAPITAL
8 INVESTMENT MANAGEMENT to file an annual amendment to its Form ADV in Investment
9 Adviser Registration Depository (IARD) no later than 30 days after June 30, 2022, the date of the
10 letter.

11 5. According to the IARD, investment adviser has not filed an annual updating
12 amendment to its Form ADV for 2022. Pursuant to California Code of Regulations, title 10, section
13 260.241.4, subdivision (e), a licensed investment adviser shall file an annual updating amendment, in
14 accordance with the instructions in Form ADV, with IARD in accordance with its procedures for
15 transmission to the Commissioner within ninety (90) days of the end of the investment adviser's
16 fiscal year.

17 6. To date, the GARRETT CAPITAL INVESTMENT MANAGEMENT did not file an
18 update to its Form ADV on IARD.

19 7. Corporations Code section 25241 provides, in relevant part, that:

20 (a) Every broker-dealer or investment adviser licensed under Section
21 25230 shall make and keep accounts, correspondence, memorandums,
22 papers, books, and other records and shall file financial and other
reports as the commissioner by rule requires . . .

23 8. Corporations Code section 25242, subdivision (c)(2), states in relevant part, that:

24 (c) The commissioner may summarily suspend or revoke the
25 certificate of a broker-dealer or investment adviser if he or she . . . (2)
26 fails to file any report required under Section 25241 within 10 days
after notice by the commissioner that the report is due.

27 9. Cal. Code of Regs., tit. 10, section 260.241.4, provides:

28 (a) Each licensed broker-dealer and each licensed investment adviser
shall, upon any change in the information contained in its application

1 for a certificate (other than financial information contained therein)
2 promptly file an amendment to such application setting forth the
3 changed information.

4 ...

5 (d) A licensed investment adviser shall file changed information
6 contained in its Form ADV with the Investment Adviser Registration
7 Depository (“IARD”) in accordance with its procedures for
8 transmission to the Commissioner.

9 (e) A licensed investment adviser shall file an annual updating
10 amendment, in accordance with the instruction in Form ADV, with
11 IARD in accordance with its procedures for transmission to the
12 Commissioner within ninety (90) days of the end of the investment
13 adviser’s fiscal year.

14 (f) A licensed investment adviser shall notify the Commissioner of the
15 employment or engagement of any new investment adviser
16 representative, as defined in Section 25009.5(a) of the Code and the
17 termination thereof in accordance with Section 260.236.1.

18 10. Corporations Code section 25249 authorizes the Commissioner to issue an order
19 directing any investment adviser to discontinue any violation of the Financial Code, Corporations
20 Code, or any rules promulgated thereunder. Specifically, Corporations Code section 25249 provides,
21 in pertinent part, that:

22 If, after examination or investigation, the commissioner has reasonable
23 grounds to believe that any broker-dealer or investment adviser has
24 violated any law or rule binding upon it, the commissioner shall, by
25 written order addressed to the broker-dealer investment adviser, direct
26 the discontinuance of the violation. The order shall be effective
27 immediately, but shall not become final except in accordance with the
28 provisions of Section 25251.

11. Corporations Code section 25251 provides, in relevant part, that:

(a) No order issued pursuant to Section 25249 or 25250 may become
final except after notice to the affected broker-dealer or investment
adviser of the commissioner’s intention to make the order final and of
the reasons for the finding. The commissioner shall also notify the
broker-dealer or investment adviser that upon receiving a request the
matter shall be set for hearing to commence within 15 business days after
receipt of the request. The broker-dealer or investment adviser may
consent to have the hearing commence at a later date. If no hearing is

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13. Therefore, pursuant to Corporations Code section 25249, the Commissioner has issued an order directing GARRETT CAPITAL INVESTMENT MANAGEMENT to discontinue violating Corporations Code section 25241, subdivision (a), as well as California Code of Regulations, title 10, section 260.241.4, subdivision (e).

WHEREFORE, good cause showing, and pursuant to Corporations Code section 25251, the Commissioner the Commissioner finds this action is appropriate, in the public interest, for the protection of investors, and consistent with the purposes fairly intended by the policies and procedures of the Corporate Securities Law of 1968 (Corp. Code, § 25000 et seq.).

Dated: September 8, 2022

CLOTHILDE V. HEWLETT
Commissioner of Financial Protection and Innovation

By _____
BALBIRO KAZLA
Deputy Commissioner
Broker-Dealer Investment Adviser Division