

ADMINISTRATIVE PROCEEDING

BEFORE THE

SECURITIES COMMISSIONER OF SOUTH CAROLINA

IN THE MATTER OF:)
)
) **ORDER TO CEASE AND DESIST**
Elliot Orlando Davis (a/k/a Elliot Davis,)
a/k/a Elliott Davis, d/b/a Hush, Inc.,) **File No. 20175156**
d/b/a Hush Entertainment, Inc., d/b/a)
Heavyweight Entertainment, Inc.),)
)
)
Respondent.)

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 activities of Elliot Orlando Davis (d/b/a Hush, Inc., d/b/a Hush Entertainment, Inc., d/b/a Heavyweight Entertainment, Inc.) (“Elliot Davis” or the “Respondent”) that, if true, would constitute violations of the Act; 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. The Respondent is a North Carolina resident with a last known address of 4328 Snowcrest Lane, Raleigh, North Carolina 27616.

III. FINDINGS OF FACT

3. In or about Spring 2016, the Respondent began soliciting South Carolina residents in an

- effort to fund a concert in upstate South Carolina.
4. In or about July 2016, four (4) South Carolina investors (the “Investors”) invested a collective total of fifty thousand dollars (\$50,000) with the Respondent to bring performing artist Gucci Mane to Greenville, South Carolina.
 5. The Respondent and the Investors signed a joint venture contract, pursuant to which the Investors were promised a return of double their investment. The Respondent was to handle all matters related to the concert’s occurrence and success, including contributing any necessary capital in excess of the Investors’ investments. To earn their returns, the Investors needed only to provide partial funding for the venture.
 6. As instructed, the Investors sent their investments to the Respondent via wire transfer.
 7. The Respondent secured the Bons Securs Wellness Arena for the concert and signed a contract with Gucci Mane’s agency. The concert occurred on October 23, 2016.
 8. The concert finished late, resulting in a late penalty of five thousand dollars (\$5,000), which was paid by the Respondent.
 9. After the concert, the Respondent left Bon Securs Wellness Arena with a check for seventy thousand dollars (\$70,000). Approximately two (2) days later, the Respondent received a wire transfer of additional concert proceeds in the amount of eighteen thousand dollars (\$18,000).
 10. To date, the Investors have received no returns from the Respondent.
 11. In connection with offering the investment opportunities, the Respondent omitted to disclose multiple material facts to the Investors, including, but not limited to, the following:
 - a. The Respondent’s 2014 felony conviction for construction fraud;
 - b. The Respondent’s 2013 conviction for obtaining property by false pretenses;
 - c. A 2007 civil judgment against the Respondent for two thousand five hundred dollars (\$2,500); and
 - d. At the time of his solicitations to the Investors, the Respondent was on probation for obtaining property by false pretenses.
 12. A bench warrant for the Respondent’s arrest was issued on March 7, 2017 for a “good behavior violation” of his probation. The Respondent has not turned himself in and is still a wanted man.

13. At no time relevant to the events stated herein was the Respondent registered with the Division as a broker-dealer, and no exemption from registration has been claimed.
14. At no time relevant to the events stated herein were the securities at issue registered with the Division or federal covered securities, and no exemption from registration has been claimed.

IV. CONCLUSIONS OF LAW

15. 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.
16. The investment opportunities offered and sold by the Respondent constitute securities as defined by the Act under S.C. Code Ann. § 35-1-102(29).
17. The investment opportunities offered and sold by the Respondent were offered and sold in violation of S.C. Code Ann. § 35-1-301.
18. In connection with the events above, the Respondent transacted business in this State as an unregistered broker-dealer in violation of S.C. Code Ann. § 35-1-401(a).
19. In connection with the events above, the Respondent (1) employed a device, scheme, or artifice to defraud; (2) made one or more untrue statements of 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; and (3) engaged in acts, practices, or courses of business that operated as a fraud or deceit upon the Investor, in violation of S.C. Code Ann. § 35-1-501.
20. 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 Elliot Orlando Davis (a/k/a Elliot Davis, a/k/a Elliott Davis, d/b/a Hush, Inc., d/b/a Hush Entertainment, Inc., d/b/a Heavyweight Entertainment, Inc.) **CEASE AND DESIST** from transacting business in this State in violation of the Act; and
- b. Respondent Elliot Orlando Davis (a/k/a Elliot Davis, a/k/a Elliott Davis, d/b/a Hush, Inc.,

d/b/a Hush Entertainment, Inc., d/b/a Heavyweight Entertainment, Inc.) shall pay a civil penalty in the amount of one hundred twenty thousand dollars (\$120,000) if this Order becomes effective by operation of law, or, if Elliot Davis 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 Elliot Davis, and the actual cost of investigation or proceeding.

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 the 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

The 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: Wanda Ealy, within thirty (30) days after the date of service 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 by 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 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 7th day of May, 2018.

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 29201

STATE OF SOUTH CAROLINA
OFFICE OF THE ATTORNEY GENERAL
SECURITIES DIVISION

CERTIFICATE OF SERVICE AND
AFFIDAVIT OF COMPLIANCE
File Number 20175156

I hereby certify that I served upon the individual/entity listed below a copy of the document indicated below and dated May 7, 2018, 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:

Elliot Orlando Davis (a/k/a Elliot Davis, a/k/a Elliott Davis, d/b/a Hush, Inc.,
d/b/a Hush Entertainment, Inc., d/b/a Heavyweight Entertainment, Inc.).
4328 Snowcrest Lane
Raleigh, North Carolina 27616

Document(s): Order to Cease and Desist

Mailed May 7, 2018 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: Wanda Ealy
Wanda Ealy
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 7th day of May, 2018.

Susan H. Ballinger
Notary Public for South Carolina

My commission expires: 6/29/21



THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

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MEMORANDUM FOR THE RECORD
SUBJECT: [Illegible]

DATE: [Illegible]

BY: [Illegible]

[Handwritten signature]

