



**COMMISSIONER OF SECURITIES
STATE OF GEORGIA**

In the Matter of

**CARY PAUL PARKER a/k/a
PAUL CARY PARKER a/k/a
PAUL C. PARKER
(CRD #5863159),**

Respondent.

Case Number: ENSC-150536

**ORDER BARRING REGISTRATION AND ORDER TO CEASE AND
DESIST ALL VIOLATIONS OF GEORGIA UNIFORM SECURITIES ACT**

This matter comes before the Commissioner of Securities for the State of Georgia (“Commissioner”) for an Order summarily barring any registration of Cary Paul Parker a/k/a Paul Cary Parker a/k/a Paul C. Parker (“Respondent”) as an investment advisor representative pursuant to § 10-5-41(c) of the Georgia Uniform Securities Act of 2008. (“Act”). Pursuant to O.C.G.A. § 10-5-41(f), the Commissioner has determined that this Order summarily barring Respondent’s registration with the Commissioner is necessary and in the public interest.

Therefore, the Commissioner finds as follows:

I. FINDINGS OF FACT

A. The Parties

1. Respondent is the Direct Owner of Psalm Financial Advisors (“Psalm”). Psalm is a Georgia limited liability company, with its principal place of business at 3355 Lenox Road, Suite

750 Atlanta, Georgia 30326. Additionally, Psalm operates under the name Pioneer Capital Advisors, LLC (“PCA”). Psalm previously operated under the name Askox Capital Management, LLC (“Askox”). Psalm’s CRD Number is 155521.

2. Respondent’s legal name is known as Cary Paul Parker. Respondent also goes by Paul Cary Parker and Paul C. Parker.

3. Psalm is registered with the Commissioner as an investment advisor pursuant to O.C.G.A. § 10-5-32. As such, Psalm is subject to the provisions of the Act and the Rules of the Commissioner of Securities adopted thereunder (“Rules”).¹

4. In addition to being the Direct Owner of Psalm, Psalm’s Form ADV Schedule A, which is on file with the Investment Adviser Registration Depository (“IARD”), lists Respondent, with a last known address of 3355 Lenox Road, Suite 750 Atlanta, Georgia 30326, as Psalm’s “Managing Member/Chief Compliance Officer”.² As Chief Compliance Officer, Respondent has supervisory responsibilities over Psalm.³

5. Although Respondent has an individual profile on IARD, Respondent is not registered as an investment adviser representative with Psalm or any other registered investment adviser in Georgia or any other jurisdiction. Respondent’s CRD Number is 5863159. There is no personal address listed for the Respondent in the IARD database.

6. In July 2014, Respondent was indicted in Dekalb County Superior Court for one count of violation of the Georgia Racketeer Influenced and Corrupt Organizations Act and two counts of Forgery in the First Degree.⁴ All counts are felonies. On April 23, 2015 Respondent entered a negotiated guilty plea in the Superior Court of Dekalb County for all counts.⁵

¹ See O.C.G.A. §§ 10-5-32 and 10-5-70.

² See Respondent’s Form ADV attached as Exhibit A.

³ See FINRA Rule 311

⁴ See Indictment attached as Exhibit C.

⁵ See Criminal Action #15CR20555-2 attached as Exhibit D.

II. CONCLUSIONS OF LAW

7. Paragraphs 1 through 6 are incorporated by reference as though fully set forth herein.
8. The Commissioner has jurisdiction over this matter pursuant to the Act.⁶
9. Pursuant to O.C.G.A. § 10-5-70 *et. seq.*, the Commissioner is authorized to institute this investigation and issue this Order.
10. Pursuant to O.C.G.A. § 10-5-41(c)⁷, the Commissioner may censure, impose a bar, or impose a civil penalty on a registrant if the Commissioner finds that it is in the public interest and the Commissioner's action is authorized by O.C.G.A. § 10-5-41(d)⁸.
11. O.C.G.A. § 10-5-41(f) provides that the Commissioner may summarily bar the registration of a registrant before final determination of an administrative proceeding.⁹
12. O.C.G.A. § 10-5-2 (19) defines investment adviser representative as any "individual employed by or associated with an investment advisor or federal covered investment adviser who makes any recommendations or otherwise gives investment advice regarding securities, manages accounts or portfolios of clients, determines which recommendation of advice regarding securities should be given, provides investment advice or holds herself or himself out as providing investment advice, receives compensation to solicit, offer, or negotiate for the sale of or for selling investment advice, *or supervises employees who perform any of the foregoing.*" (emphasis added).
13. Pursuant to O.C.G.A. § 10-5-33 (a), individuals may not transact business in Georgia

⁶ See O.C.G.A. §§ 10-5-70 and 10-5-71.

⁷ O.C.G.A. 10-5-41 (c) states, "[i]f the Commissioner find that the order is in the public interest and paragraphs (1) through (6) and (8) through (13) of subsection (d) of this Code section authorize the action, an order under this chapter may censure, impose a bar, or impose a civil penalty in an amount not to exceed a maximum of \$50,000.00 for a single violation or \$500,000.00 for several violations on a registrant and if the registrant is a broker-dealer or investment adviser, any partner, officer, or director, any person having similar functions or any person directly or indirectly controlling the broker-dealer or investment adviser."

⁸ O.C.G.A. § 10-5-41 (d)(4) states that a person may be disciplined under O.C.G.A. § 10-5-41 (a) – (c) if the person "[h]as been convicted of a felony or within the previous ten years has been convicted of a misdemeanor involving a security, a commodity future or option contract, or an aspect of a business involving securities, commodities, investments, franchises, insurance, banking, or finance." O.C.G.A. § 10-5-41 (d)(2) states that a person may be disciplined under O.C.G.A. § 10-5-41 (a) – (c) if the person has "willfully violated or willfully failed to comply with this chapter or the predecessor Act or a rule adopted or order issued under this chapter or the predecessor Act within the previous ten years."

⁹ O.C.G.A. § 10-5-41(f) reads in part that "[t]he Commissioner may suspend or deny an application summarily; restrict, condition, limit, or suspend a registration; or censure, bar, or impose a civil penalty on a registrant before final determination of an administrative proceeding."

as an investment adviser representative unless the individual is registered under this chapter as an investment adviser representative or is exempt from registration as an investment adviser.¹⁰

14. Pursuant to O.C.G.A. § 10-5-41(d)(3) a person may be disciplined if the person has “[w]illfully violated or willfully failed to comply with this chapter or the predecessor Act or a rule adopted or order issued under this chapter or the predecessor Act within the previous ten years.

15. By failing to register his status as an investment adviser representative with the Commissioner, Respondent willfully violated O.C.G.A. § 10-5-33(a), and therefore is subject to discipline under O.C.G.A. § 10-5-41(c).

16. Pursuant to O.C.G.A. § 10-5-41(d)(4), a person is subject to disciplined if the person has been convicted of a felony, or a misdemeanor involving a financial device or an aspect of a business.¹¹

17. Respondent’s April 23, 2015 negotiated guilty plea to felonies is an actionable event pursuant to O.C.G.A. § 10-5-41(d)(4). Therefore under O.C.G.A. § 10-5-41(c) Respondent is subject to discipline.

18. Respondent is the Chief Compliance Officer of Psalm, an investment adviser registered with the Commissioner pursuant to O.C.G.A. § 10-5-32. As such, Respondent is presumed to have knowledge of the provisions of the Act and the Rules and Regulations promulgated thereunder.

III. ORDER

WHEREFORE, by the authority vested in me as the Commissioner of Securities for the

¹⁰ O.C.G.A. § 10-5-33(a) states “It is unlawful for an individual to transact business in this state as an investment adviser representative unless the individual is registered under this chapter as an investment adviser representative or is exempt from registration as an investment adviser under subsection (b) of this code.”

¹¹ O.C.G.A. § 10-5-41 (d)(4) states that a person may be disciplined under O.C.G.A. § 10-5-41 (a) – (c) if the person “[h]as been convicted of a felony or within the previous ten years has been convicted of a misdemeanor involving a security, a commodity future or option contract, or an aspect of a business involving securities, commodities, investments, franchises, insurance, banking, or finance.”

State of Georgia, **IT IS HEREBY ORDERED** that:

1. **CARY PAUL PARKER a/k/a PAUL CARY PARKER a/k/a PAUL C. PARKER** is **BARRED** from registration with the Commissioner as an investment adviser representative under O.C.G.A. § 10-5-33.

2. That Respondent **CEASE AND DESIST** any and all violations of the Georgia Securities Act of 2008, as amended.

The entry of this Order is deemed to be in the public interest, and shall not be deemed to constitute findings or conclusions relating to other persons unrelated to Respondent and shall not be deemed to be a waiver or estoppel on the part of the Commissioner from proceeding in individual actions against any person who may have violated the Act or any transactions not specifically referred to herein or not known to the Commissioner at the time this Order was issued.

SO ORDERED this 1st day of May, 2015.

BRIAN P. KEMP
SECRETARY OF STATE
COMMISSIONER OF SECURITIES

By: 
C. Ryan Germany
Assistant Commissioner of Securities

in conduct in violation of O.C.G.A. §§ 10-5-32, 10-5-33, 10-5-41, 10-5-1, *et seq.*

2. REQUEST FOR HEARING: A request for a hearing may be delivered to the attention of, Noula Zaharis, Director, Office of the Secretary of State, Securities Division, Suite 313 West Tower, 2 Martin Luther King Jr. Dr. S.E., Atlanta, Georgia 30334.

3. PROCEDURE FOR REQUESTING A HEARING: If Respondent requests a hearing, the request for hearing must be in writing and contain the following information:

- A title which indicates the nature of the proceedings;
- The complete name and address of the person or persons on whose behalf the request is filed;
- The name and address of all other persons known to have a legal interest in the proceedings;
- If the person or persons on whose behalf the request is filed are represented by counsel, the name and address of counsel;
- A clear and concise statement of the facts upon which the contested case arises;
- A prayer setting forth the relief sought; and
- A statement of the grounds upon which the person contends he is entitled to the relief sought.

4. SCHEDULING OF HEARING: If requested, a hearing will be scheduled and the Respondent will be notified of the date, time and location of the hearing.

5. ISSUES TO BE ADDRESSED: If a hearing is requested, the issues to be addressed are set forth in the attached Order that is incorporated herein by reference and made a part of this Notice of Opportunity for Hearing.

6. CONTESTED CASES: This is a contested case proceeding and pursuant to the Rules it shall be conducted as expeditiously as possible, with regard to the rights of the parties, and in a manner to enable the parties to obtain relevant information needed for preparation of the case to

the extent that such disclosure is authorized or required by law.

7. LEGAL AUTHORITY AND JURISDICTION: This Notice of Opportunity for Hearing is issued pursuant to O.C.G.A. § 10-5-73, Rule 590-4-6-.01, *et seq.*, and O.C.G.A. § 50-13-1, *et seq.* (The Georgia Administrative Procedure Act).

8. INFORMAL CONFERENCE: Respondent may request an informal prehearing conference with the Commissioner's staff pursuant to the Commissioner's Rule 590-4-6-.12 adopted under the Act. The receipt of a request for a prehearing conference will toll, until the date scheduled for the prehearing conference, the running of the time for requesting a hearing.

9. RIGHTS OF PARTIES: The parties to this matter shall have all of the rights provided for in the Act and the Rules, including but not limited to the following:

- to subpoena witnesses and documentary evidence;
- to be represented by legal counsel; and
- to respond to and present evidence on all issues involved.

SO ORDERED this 1st day of May, 2015.

**BRIAN P. KEMP
SECRETARY OF STATE
COMMISSIONER OF SECURITIES**

By:



C. Ryan Germany
Assistant Commissioner of Securities