STATE OF ALABAMA
ALABAMA SECURITIES COMMISSION

IN THE MATTER OF:	)	
	)	ADMINSTRATIVE ORDER
JAMES HOUSTON SEARS	)	NO. CO-2014-0017
GLOBAL FINANCIAL PRIVATE CAPITAL, LLC	)	
	)	
	)	
RESPONDENTS	)	

CONSENT ORDER

The Alabama Securities Commission ("Commission"), having the authority to administer and provide for the enforcement of all provisions of Title 8, Chapter 6, Code of Alabama 1975, the Alabama Securities Act ("ACT"), upon due consideration of the subject matter hereof, having confirmed information of the offer for sale of securities, into, within, or from the state of Alabama, has determined as follows:

RESPONDENTS

1. During all times relevant to the events referenced in this order, James Houston Sears (SEARS), (CRD# 1154401), was registered in Alabama as an investment advisor representative with Global Financial Private Capital, LLC, (GLOBAL), SEARS has a business address of 500 Blvd, South #204, Huntsville, AL 35802.

STATEMENT OF FACTS

2. In April 2014, an Alabama resident heard a radio advertisement for SEARS' business, GLOBAL, broadcast by a Huntsville, AL radio station. The Alabama resident recognized that the advertisement may have contained false and misleading statements. The Alabama resident contacted the COMMISSION and complained about the content of SEARS' and GLOBAL's radio advertisement.

3. In April 2014, an AGENT of the Commission contacted the Huntsville radio station and obtained copies of two radio advertisements aired by SEARS. The AGENT reviewed both advertisements and found both to contain misleading statements. In one advertisement, SEARS stated, "In the market collapse of 2008, my clients did not lose a cent."

4. In May 2014, the AGENT met SEARS and discussed his GLOBAL radio advertisements. SEARS stated he made the radio ads in 2009 when SEARS only sold annuities and at a time when SEARS was not registered to sell securities in Alabama. In May of 2010, SEARS became qualified and registered to sell securities in Alabama. SEARS then produced additional radio advertisements to advertise the securities products SEARS and GLOBAL offered and sold. These advertisements were reviewed and approved by the GLOBAL compliance officer. GLOBAL has stated to ASC that it did not review nor detect the previous radio ads.

5. SEARS stated that he mistakenly failed to stop his earlier advertisements, which referred to his selling of annuities products. SEARS stated the claim that "In the market collapse of 2008, my clients did not lose a cent" was not correct or true as related to his securities business.

6. A review of the files of the Registration Division of the Alabama Securities Commission disclosed no record of registrations or exemption from registration of RESPONDENTS as a dealer or agent in the state of Alabama prior to May 2010.

CONCLUSIONS OF LAW

7. Pursuant to Section 8-6-23, Code of Alabama 1975, it is a fraudulent, deceptive or manipulative act, practice or course of business, within the meaning of the state securities act, for an investment adviser, directly or indirectly, to publish, circulate or distribute any advertisement which:

(a) Refers, directly or indirectly, to any testimonial of any kind concerning the investment adviser or concerning any advice, analysis, report or other service rendered by

such investment adviser;

(b) Refers, directly or indirectly, to past specific recommendations made by the investment adviser which were, or would have been, profitable to any person. This clause does not, however, prohibit an advertisement which sets out or offers to furnish a list of all recommendations made by such investment adviser within the immediately preceding period of not less than one year. The advertisement (or list if it is offered separately) must state the name of each such security recommended, the date and nature of each such recommendation (i.e., whether to buy, sell or hold), the market price at that time, the price at which the recommendation was to be acted upon, and the market price of each such security as of the most recent practicable date. It must also contain the following cautionary legend on the first page in print or type as large as the largest print or type sued in the body or text thereof: "It should or not be assumed that recommendations made in the future will be profitable or will equal the performance of the securities in this list."

WHEREAS, RESPONDENTS have voluntarily waived all rights to a hearing upon entry of this Order, and have consented to the entry of this Order, and

WHEREAS, the Commission finds this Order necessary and appropriate in the public interest for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of the Act, and

WHEREAS, RESPONDENTS admit the Statement of Facts and Conclusions of Law contained in this Order and are desirous of settling this matter as hereafter set forth and agree to the entry of this Order.

ACCORDINGLY, IT IS HEREBY AGREED:

1. That **RESPONDENTS** shall demonstrate compliance with items 1 and 2 of this order by obtaining an opinion of securities counsel prior to entering into any future securities

transaction and that the form of such transaction is in compliance with all statutory requirements under the act.

2. That **RESPONDENTS** shall ensure that proper procedures are enacted to preclude any future non-compliance with the Act.

3. That in accordance with Section 8-6-19(j)(1), Code of Alabama 1975, **RESPONDENTS: SEARS** and **GLOBAL** shall jointly pay to the **State of Alabama** an administrative assessment in the total sum of Two Thousand Dollars ($2,000); said funds are to be tendered in certified funds contemporaneously with the entry of this order.

4. That in accordance with Section 8-6-19(k)(1), Code of Alabama 1975, **RESPONDENTS: SEARS** and **GLOBAL** shall jointly pay to the **Alabama Securities Commission**, as partial reimbursement for the Commission's cost for investigating this matter, the total sum of Three Thousand Dollars ($3,000); said funds are to be tendered in certified funds contemporaneously with the entry of this Order.

5. That the entry of this Order resolves all relevant issues set forth in this Order.

RESPONDENTS:

JAMES HOUSTON SEARS

(Signature) 08/28/2014 (Date)

GLOBAL FINANCIAL PRIVATE CAPITAL, LLC

TIMOTHY J LYLE (Signature/ Print) (Signature)

9/2/14 (Date) CCO (Title)

APPROVED AND AGREED this 8 th day of September, 2014.

ALABAMA SECURITIES COMMISSION
P.O. Box 304700
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(334) 242-2984
BY:

JOSEPH P BORG
DIRECTOR