

STATE OF ALABAMA
ALABAMA SECURITIES COMMISSION

IN THE MATTER OF:)
)
JOHNNIE DANCY)
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)
)
RESPONDENT)
)
ADMINISTRATIVE ORDER
NO. CD-2020-0009

CEASE AND DESIST 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, has determined as follows:

RESPONDENT

1. JOHNNIE DANCY, hereinafter referred to as DANCY or RESPONDENT, at all times relevant acted as an agent or an investment adviser representative from the email address of TIGGERTHORN3@GMAIL.COM with a purported process service location of 1401 Fondren Road, Missouri City, Texas.

STATEMENT OF FACTS

2. The Commission staff discovered online advertisements soliciting sales of CORONA VIRUS related and other penny stocks posted by DANCY to the social media platform Craigslist. The advertisements claimed that prospective clients could exploit the current coronavirus disease ("COVID-19") crisis for a weekly profit of \$5,000.00 by trading penny stocks from the pharmaceutical and biotechnology industry which are experiencing growth due to COVID-19. DANCY claimed;

"...HUGE SOMETIMES 1000 PERCENT RETURNS."

DANCY posted similar advertisements across at least 22 states.

3. DANCY used the advertisements to induce potential clients to invest in his scheme by claiming;

"[WE] GET IN LOW PRICE AND PATIENTLY WAIT THAT'S THE NAME OF THE GAME FOR HUGE SOMETIMES 1000 PERCENT RETURNS!!!! HIGH RISING P E N N Y STOCKS.... MARKET HAS BEEN INCREDIBLE!!!!"

In another attempt to encourage investors to trade penny stocks, DANCY claimed;

"I CAN TRAIN YOU OR GET U STARTED MAKING MONEY RIGHT AWAY WHICHEVER IS BETTER FOR U!!! JUST HAD AMAZ RAN 0016 HIT 006 TODAY THAT'S ALMOST 400%!!! ALSO HAD OAS JUST RAN.33 TO .88 IN ABOUT 2 WEEKS!!!"

4. DANCY advertised specific trades and amounts earned off of those trades without providing material, contextual information such as the amount invested, length of the investment, or a complete list of his trade recommendations. DANCY did not provide relevant documentation or materials supporting the trade recommendations and performance estimations. DANCY claimed;

*"NEW WINNERS
INO 8\$ TO 14\$!!!
AMAZ 0016 TO 0037 100%!!!
CRC 1\$ TO 2.10 ...100% !!!
TLSS 40% TODAY BOUGHT IT FRIDAY!!!
TLSS TODAY REBOUGHT IT AGAIN 320% THIS TIME CRAZY !!!"*

The preceding cherry-picked trades appeared in DANCY's advertisement without reference or disclosure of DANCY's overall historical investment performance.

5. On May 15, 2020, the Commission issued a document subpoena to www.craigslist.com for any and all postings by TIGGERTHORN3@gmail.com. Produced documents revealed the account holder to be Johnnie Dancy, located at 1401 Fondren Road, Missouri City, Texas. The documents indicated that DANCY intentionally pushed the craigslist advertisements to residents of selected cities in Alabama.

6. A review of the registration and licensing files of the Commission revealed no registration or license for DANCY in any capacity as of May 18, 2020.

CONCLUSIONS OF LAW

7. Pursuant to Section 8-6-2(10), Code of Alabama 1975, the definition of "security" includes any stock. The penny stocks offered and made available by RESPONDENT to Alabama citizens are securities as defined by the Act.

8. Pursuant to Section 8-6-2(2), Code of Alabama 1975, an Agent is any individual other than a dealer who represents a dealer or issuer in effecting or attempting to effect sales of securities. RESPONDENT attempted to effect sales of securities, to wit: Penny Stocks, and is an Agent as defined in the Act.

9. Pursuant to Section 8-6-2(18), Code of Alabama 1975, an Investment Adviser is any person who, for compensation, advises others, either directly or indirectly, as to the value of, or the advisability of investing in securities. RESPONDENT solicited for the sale of advice relating to the purchase and/or sale of penny stocks and is an Investment Adviser as defined in the Act.

10. Pursuant to Section 8-6-17(a)(1), Code of Alabama 1975, it is unlawful for any person, in connection with the offer of a security, to employ any device, scheme, or artifice to defraud. RESPONDENT employed a scheme or artifice to defraud through the offer of securities, in which RESPONDENT represented that investment returns could be in excess of \$5000.00 per week in violation of the Act.

11. Pursuant to Section 8-6-(17)(b)(4), Code of Alabama 1975, it is unlawful for any person who directly or indirectly receives renumeration from others related to the advisability of investing to engage in dishonest or unethical business practices in the securities industry. RESPONDENT engaged in dishonest and unethical business practices by failing to provide material, contextual information related to the specific returns and profits touted in the posted advertisements in violation of the Act.

This Order is appropriate in the public interest for the protection of consumers and is consistent with the purposes of the Act.

This Order does not prevent the Commission from seeking such other civil or criminal remedies that are available to it under the Act.

Additionally, if the allegations set forth herein are found to be true, through either administrative adjudication, failure of the RESPONDENT to make a timely request for a hearing, or default of the RESPONDENT, it is the intention of the Commission to impose sanctions upon the RESPONDENT. Such sanctions may include, *inter alia*, an administrative assessment imposed on the RESPONDENT, an additional administrative assessment for investigative cost arising from the investigation of the violation(s) described herein against the RESPONDENT, and a permanent order to bar the RESPONDENT from participation in any securities related industry in the state of Alabama.

ACCORDINGLY, IT IS HEREBY ORDERED that the **RESPONDENT** immediately **CEASE AND DESIST** from further offers or sales of any security into, within or from the state of Alabama.

Entered at Montgomery, Alabama, this 21ST day of May 2020.

ALABAMA SECURITIES COMMISSION
P.O. Box 304700
Montgomery, AL 36130-4700
(334) 242-2984
BY:



Edwin L. Reed
Deputy Director



STATE OF ALABAMA
ALABAMA SECURITIES COMMISSION

IN THE MATTER OF:)
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JOHNNIE DANCY) ADMINISTRATIVE ORDER
) NO. CD-2020-0009
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RESPONDENT)

TO: JOHNNIE DANCY
1401 FONDREN ROAD
MISSOURI CITY, TX. 77489

NOTICE OF RIGHT TO A HEARING

THE ORDER TO CEASE AND DESIST WHICH THIS NOTICE IS ATTACHED, MADE A PART THEREOF AND INCORPORATED THEREIN, IS IMPORTANT AND YOU SHOULD READ IT IN ITS ENTIRETY. You may request a public hearing before the Alabama Securities Commission concerning this Order by making a written request directed to the Commission pursuant to Section 8-6-32, Code of Alabama 1975. Please direct your request to the Commission as follows:

Alabama Securities Commission
ATTENTION: LEGAL DEPARTMENT
445 Dexter Avenue, Suite 12000
Montgomery, Alabama 36130-4700

IF A WRITTEN REQUEST FOR A HEARING BEFORE THE ALABAMA SECURITIES COMMISSION IS NOT SUBMITTED WITHIN 28 DAYS AFTER RECEIPT OF THIS ORDER, THIS ORDER SHALL CONSTITUTE A FINAL ORDER OF THE COMMISSION.

In lieu of a formal hearing, you may request an informal meeting with the Director or the Commission staff to resolve the matter. You will not waive your rights to a formal hearing. The Commission staff requests that you submit a verified statement, setting forth full details concerning your activities giving rise to this Order, no matter whether you are requesting a formal hearing, an informal meeting, or just desire to provide your side of the matter.

Please identify yourself as a Respondent and refer to the Order number when requesting a hearing, informal meeting, or otherwise corresponding with the Commission staff concerning this matter.

Appeals from any final Order of the Commission shall be made to the Circuit Court of Montgomery County, Alabama.

Done, this the 21st day of May, 2020.

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P.O. Box 304700
Montgomery, AL 36130-4700
(334) 242-2984
BY:



Edwin L. Reed
Deputy Director