

Act, and with the consent of Respondent enters into this Order in full and complete settlement of this matter.

FINDINGS OF FACT

1. Respondent Hightower Financial Partners, LLC; CRD No. 172962, is a limited liability company organized and existing under and by virtue of the laws of South Carolina that holds itself out to the general public as providing investment advisory services. It maintains a principal place of business at Murrells Inlet, Georgetown County, South Carolina.

2. Respondent is registered as an investment adviser in North Carolina. It first registered September 11, 2014.

3. Christopher George Taylor (“Mr. Taylor”) is Respondent’s managing member and direct owner.

4. Mr. Taylor is an advisory affiliate of Respondent. Advisory affiliates include certain employees, officers, partners, directors and persons controlling the investment adviser.

5. Investment advisers must register in North Carolina before transacting business, unless a specific exemption or exception applies. N.G. Gen. Stat. §78C-16(a).

6. Investment advisers use a two part document called Form ADV to register as investment advisers in North Carolina. Form ADV provides material information about the investment adviser to both regulators and clients. Each time Respondent filed Form ADV, Mr. Taylor signed the Form ADV certifying that the information contained in it was true and correct.

7. An investment adviser is required to file an updated Form ADV within 90 days of the end of its fiscal year. *See* N.C. Gen. Stat. §78C-17; 18 NCAC 06A .1702. Since its initial registration in September 11, 2014, Respondent has renewed its registration yearly.

8. The Central Registration Depository/Investment Adviser Registration Depository (“CRD/IARD”) is a national electronic system that manages and displays, among other things,

the registrations and certain records of dealers, salesmen, investment advisers and investment adviser representatives. The Form ADV is filed and maintained on the CRD/IARD.

9. According to CRD/IARD, Mr. Taylor has been registered in various capacities beginning in 1999.

10. Form ADV requires that Respondent disclose information about its “disciplinary history and the disciplinary history of all your *advisory affiliates* [italics in original].” Form ADV, Item 11.E(4) asks if any self-regulatory organization has ever barred any advisory affiliate from association with other members.

11. Respondent’s Form ADV confirms that Mr. Taylor is an advisory affiliate of Respondent.

12. On or about April 11, 2016, The Financial Industry Regulatory Authority, Inc. (“FINRA”), a self-regulatory organization that tests, registers, examines, and disciplines firms and persons in the securities brokerage industry, barred Mr. Taylor from association with any of its members pursuant to FINRA Rule 9552(h). As stated on FINRA’s “broker check” website, <https://brokercheck.finra.org/individual/summary/3251069>:

Pursuant to FINRA Rule 9552(h) and in accordance with FINRA's Notice of Suspension and Suspension from Association letters dated January 7, 2016 and February 1, 2016, respectively, on April 11, 2016, Taylor is barred from association with any FINRA member in any capacity. Respondent failed to request termination of his suspension within three months of the date of the Notice of Suspension; therefore, he is automatically barred from association with any FINRA member in any capacity. (Emphasis Added)

13. After Mr. Taylor was barred, Respondent did not promptly file a correcting amendment informing the Administrator about this FINRA bar. Respondent was under a duty to promptly file such a correcting amendment. See N.C. Gen. Stat. §78C-18(d).

14. On March 23, 2017, Mr. Taylor completed and submitted Form ADV for Respondent's annual amendment. Respondent did not disclose that FINRA had barred Mr. Taylor from association with any FINRA member in any capacity. Instead, the response to Item 11.E(4) was "N[o]".

15. On or about March 24, 2017, the North Carolina Securities Division filed a "Petition for and Notice of Intent to Revoke Registration and Notice of Opportunity for a Hearing" against the above-named Respondent.

CONCLUSIONS OF LAW

1. The Administrator has jurisdiction over Respondent and the subject matter of this Order.

2. This Order is entered by the Administrator under the authority granted by the Investment Advisers Act and the administrative rules adopted thereunder.

3. Respondent is an "investment adviser" as defined under North Carolina law, and as an investment adviser is also a "registrant."

4. N.C. Gen. Stat. §78C-19 grants the Administrator the authority to deny, suspend, or revoke any registration for violations of the Investment Advisers Act.

5. N.C. Gen. Stat. §78C-19(a)(2)(a) gives the Administrator the authority to revoke any registration if the registrant has filed an application for registration which as of its effective date was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact.

6. N.C. Gen. Stat. §78C-19(a)(2)(b) gives the Administrator the authority to revoke any registration if the registrant has willfully violated or willfully failed to comply with any provision of the Investment Advisers Act.

7. N.C. Gen. Stat. §78C-9 makes it unlawful to file a document containing a statement which is “false or misleading in any material respect.”

8. N.C. Gen. Stat. §78C-18(d) imposes a duty on a registrant “to promptly file a correcting amendment” (an updated Form ADV) if “any document filed with the Administrator is or becomes inaccurate or incomplete in any material respect.” A document is considered promptly filed, pursuant to 18 N.C. Admin. Code 06A .1702(c)(2), if it is filed within 30 days of the event that requires filing the amendment.

9. FINRA’s bar of Mr. Taylor is a material fact that Respondent should have disclosed to the Administrator.

10. Pursuant to N.C. Gen. Stat. §78C-18(d), Respondent should have promptly notified the Administrator of the FINRA bar by filing an amended Form ADV to correct the disciplinary history with the Administrator after April 11, 2016.

11. When Respondent did file Form ADV on March 23, 2017, it should have disclosed the disciplinary history. Instead Respondent represented that there was no disciplinary history of any advisory affiliates, a violation of N.C. Gen. Stat §78C-9.

12. Respondent’s failures to amend Form ADV or file a correct Form ADV were willful.

13. By not filing Form ADV to inform the Administrator after April 11, 2016, and by then filing an inaccurate Form ADV on March 23, 2017, Respondent willfully violated and/or

willfully failed to comply with two different sections of the Investment Advisers Act. These are violations of N.C. Gen. Stat. §78C-19(a)(2)(b).

14. The failure to file an accurate Form ADV on March 23, 2017 was a violation of N.C. Gen. Stat. §78C-19(a)(2)(a) as it was an application for registration which contained a false or misleading statement with respect to a material fact.

15. The entry of this Order is necessary or appropriate in the public interest or for the protection of investors and clients and consistent with the purposes fairly intended by the policy and provisions of the Investment Advisers Act.

JURISDICTION, CONSENT AND WAIVER

Respondent, as evidenced by the authorized signature on the Consent to Entry of Order, below, affirmatively states and agrees that:

1. It admits the jurisdiction of the Administrator, admits the Findings of Fact and Conclusions of Law and voluntarily consents to the entry of this Order.

2. It has agreed to resolve this matter, 17 SOS 03077, through this Order to avoid further administrative proceedings.

3. It elects to expressly and permanently waive any and all rights under the Investment Advisors Act, the North Carolina Administrative Procedure Act (N.C. Gen. Stat. Chapter 150B), or any other law, to a Notice of Hearing, a hearing, the making of findings of fact and conclusions of law, and all further proceedings before the Administrator or other entity to which it may be entitled related to the subject of this Order, including any court of competent jurisdiction. Respondent also expressly and permanently waives its rights to seek judicial review of this Order under N.C. Gen. Stat. Chapter 150B, to appeal this Order, or to otherwise challenge either the validity or entry of this Order in any court or administrative agency.

4. It has read the contents of this Order; has had the opportunity to consult with an attorney prior to the signing of this Order; and freely signs this Order.

5. The presentation of this Order to the Administrator and any subsequent discussion of the Order prior to its entry without Respondent or its counsel being present shall not constitute an improper ex parte communication between the Administrator and the Securities Division or counsel for the Securities Division. The Order shall become final upon entry.

6. The execution, delivery and performance of this Order has been duly authorized and signed by a person who meets the statutory or other binding approval to sign on behalf of the Respondent as named in this Order.

NOW, THEREFORE, the Administrator, pursuant to and under all authority granted by the North Carolina Investment Advisers Act, based upon the forgoing Findings of Fact; Conclusions of Law; and Jurisdiction, Consent and Waiver, does hereby enter the following:

ORDER

1. Respondent has filed a Form ADV-W and withdrew its registration as an investment adviser in North Carolina.

2. Respondent will immediately and permanently cease and desist from violating any sections of the North Carolina Investment Advisers Act, the North Carolina Securities Act and any administrative rules promulgated under either Act.

3. Respondent agrees that it will permanently refrain from registering or attempting to register as an investment adviser in North Carolina so long as the FINRA bar against its member, Christopher George Taylor, remains in effect.

4. At such time as Mr. Taylor resolves his matter with FINRA and is no longer subject to the bar described in this Order, Respondent can again apply for registration with North Carolina as an investment adviser.

5. The parties will execute a joint notice of dismissal, which Petitioner will, upon the execution of the Order and the filing of the Form ADV-W file with the Office of Administrative Hearings to resolve this matter.

6. Respondent will inform, in writing, all of its clients who, for the time period April 11, 2016 through the entry of this Order, resided in North Carolina, were located in North Carolina or had their principal place of business in North Carolina, of the FINRA bar as described in this Order. Respondent will also inform its current clients of this Consent Order and inform these clients that it has withdrawn its registration and the clients need to transfer their accounts.

7. Respondent will submit to the Securities Division a list of its clients who, for the time period April 11, 2016 through the entry of this Order, resided in North Carolina, were located in North Carolina or had their principal place of business in North Carolina. This list will include the name, email address, telephone number and mailing address for each client.

8. Each party will bear its own costs.

This Final Consent Order shall become final upon entry.

WITNESS MY HAND AND THE OFFICIAL SEAL of the North Carolina

Department of the Secretary of State, this the 11th day of OCTOBER 2017.

Time of entry: 12:41 P.M.



ELAINE F. MARSHALL
SECRETARY OF STATE OF NORTH CAROLINA and
SECURITIES ADMINISTRATOR, by



KEVIN M. HARRINGTON
DEPUTY SECURITIES ADMINISTRATOR