

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF BANKING AND SECURITIES

IN THE MATTER OF:)
OTTER CREEK PARTNERS and)
CHRISTINE DAHL)
Respondents.)

ORDER NO. 15-881-S
ORDER TO CEASE AND DESIST
ASSESSING CIVIL PENALTIES
and
CONSENT TO ORDER

The Director of the Department of Commerce, Community, and Economic Development, Division of Banking and Securities (“Administrator”), has conducted an investigation into certain activities of Otter Creek Partners (“Otter Creek”) and Christine Dahl (“Ms. Dahl,” collectively, “Respondents”), and has determined that Respondents violated certain provisions of the Alaska Securities Act, Alaska Statute (AS) 45.55.

Respondents agree that the Administrator has jurisdiction over Respondents and these matters pursuant to the Alaska Securities Act.

Respondents wish to resolve and settle this matter with the Administrator. As evidenced by the authorized signature on this Order, Respondents consent to the entry of this Order assessing civil penalties based on the Conclusions of Law and Order. Respondents waive their right of appeal under AS 45.55.920(d).

I. FACTS

1. Otter Creek, Central Registration Depository (“CRD”) No. 125591, is a state investment advisor registered in the State of Alaska. It has an address of 337 Stedman Street, Ketchikan, Alaska, 99901.

1 2. Ms. Dahl (CRD No. 6129903) is a resident of Ketchikan, Alaska and a partner in
2 Otter Creek.

3 3. From August 10, 2012 to March 1, 2015, Ms. Dahl did administrative work and
4 financial planning for Otter Creek.

5 4. On March 1, 2015, another partner in Otter Creek mistakenly believed that she
6 submitted a completed application to the Investment Adviser Registration Depository
7 (“IARD”), administered by the Financial Industry Regulatory Authority (“FINRA”), for Ms.
8 Dahl to become registered as an investment adviser representative in Alaska; however, the
9 application was not complete and Ms. Dahl was not registered.

10 5. From March 2, 2015 to May 19, 2015, Ms. Dahl relied on the information
11 provided by the other partner at Otter Creek and inadvertently believed she was registered as
12 an investment adviser representative in Alaska. During this time period, Ms. Dahl met with
13 two clients and provided investment advice.

14 6. On May 20, 2015, during a routine exam of Otter Creek, the Administrator
15 discovered that Ms. Dahl was acting as an investment adviser representative without being
16 registered in Alaska. The Administrator immediately directed Ms. Dahl to refrain from acting
17 as an investment adviser representative until she became registered, and Ms. Dahl complied
18 with the directive.

19 7. As of the date of this Order, Ms. Dahl has submitted a completed application to
20 IARD, and the Administrator has determined that it will approve Ms. Dahl’s registration as
21 an investment adviser representative in Alaska, concurrent with the execution of this Order.

22 8. Otter Creek and Ms. Dahl have fully cooperated with the Administrator in its
23 investigation into this matter.

24 //

1 **II. CONCLUSIONS OF LAW**

2 1. Ms. Dahl acted as an “investment adviser representative” in Alaska as that term
3 is defined in AS 45.55.990(15)(A)(i) and (ii).

4 2. Ms. Dahl violated AS 45.55.030(c)(1) by acting as an investment adviser
5 representative without being registered in Alaska.

6 3. Otter Creek violated AS 45.55.030(g) by employing Ms. Dahl as an investment
7 adviser representative without Ms. Dahl being registered in Alaska.

8 4. Ms. Dahl is subject to a civil penalty pursuant to AS 45.55.920(c) because
9 she violated AS 45.55.030(c)(1).

10 5. Otter Creek is subject to a civil penalty pursuant to AS 45.55.920(c) because
11 it violated AS 45.55.030(g).

12 **III. ORDER**

13 Pursuant to AS 45.55.920, and on the basis of the Findings of Fact, Conclusions of
14 Law and Respondent’s consent to the entry of this Order, the Administrator ORDERS:

15 1. Ms. Dahl to CEASE AND DESIST from acting as an investment adviser
16 representative without being registered in Alaska.

17 2. Otter Creek to CEASE AND DESIST from employing Ms. Dahl as an investment
18 adviser representative without Ms. Dahl being registered in Alaska.

19 3. Ms. Dahl and Otter Creek to comply with all provisions of the Alaska Securities
20 Act, including associated regulations.

21 4. Ms. Dahl to pay a civil penalty in the amount of five hundred dollars (\$500).

22 5. Otter Creek to pay a civil penalty in the amount of one thousand dollars (\$1,000).

23 6. Otter Creek to provide a copy of this Order to all active clients. The Order shall be
24 accompanied by a letter that explains the circumstances surrounding Ms. Dahl’s unregistered

1 activity. The contents of the letter must be pre-approved by the Administrator before it is sent
2 to clients. Copies of the letters sent to clients shall be filed with the Administrator.

3 **IT IS SO ORDERED.**

4 Chris Hladick, Commissioner
5 Department of Commerce, Community and
6 Economic Development

7 DATED: July 6, 2015

8 /s/ Kevin Anselm
9 BY: Kevin Anselm, Director
10 Division of Banking and Securities

11
12
13
14
15
16
17
18 Consent to Entry of Order

19 I, Christine Dahl, state that I have read the foregoing Order and that I know and fully
20 understand the Order's contents; that I acknowledge violation of the Alaska Securities Act;
21 that I have been advised of the right to a hearing and I expressly waive my right to a hearing
22 in this matter; that I voluntarily and without any force or duress, consent to the entry of this
23 Order; that I understand that the Administrator reserves the right to take further actions to
24 enforce this Order or to take appropriate action upon discovery of other violations of the

1 Alaska Securities Act; and that I will fully comply with the terms and conditions stated
2 herein.

3 I understand that this Order is a publicly disclosable document.

4
5 DATED: 7/2/15 /s/ Christine Dahl
6 Christine Dahl

7
8 SUBSCRIBED AND SWORN TO before me this 2nd day of July, 2015 at
Ketchikan, Alaska.

9
10 /s/ Jay Johnson
Notary Public in and for The State of Alaska

11 Jay Johnson
12 Notary Printed Name
13 My commission expires: March 11, 2019

14
15
16 Consent to Entry of Order

17 I, Mary Lynne Dahl, state that I am the partner of Otter Creek
18 Partners (“Otter Creek”); that I am authorized to act on its behalf; that I have read the
19 foregoing Order and that I know and fully understand the Order’s contents; that Otter Creek
20 acknowledges violation of the Alaska Securities Act; that Otter Creek has been advised of the
21 right to a hearing and Otter Creek expressly waives its right to a hearing in this matter; that
22 Otter Creek voluntarily and without any force or duress, consents to the entry of this Order;
23 that Otter Creek understands that the Administrator reserves the right to take further actions
24 to enforce this Order or to take appropriate action upon discovery of other violations of the

1 Alaska Securities Act, and that Otter Creek will fully comply with the terms and conditions
2 stated herein.

3 Otter Creek understands that this Order is a publicly disclosable document.
4

5 DATED: 7/2/15

/s/ Mary Lynne Dahl
Otter Creek Partners

6 Name: Mary Lynne Dahl

7 Title: Partner

8 SUBSCRIBED AND SWORN TO before me this 2nd day of July, 2015 at
9 Ketchikan, Alaska.

10 /s/ Jay Johnson
Notary Public in and for The State of Alaska

11 Jay Johnson

12 Notary Printed Name

13 My commission expires: March 11, 2019

14
15 Contact Person:
16 David Newman
17 Securities Examiner
18 (907) 269-7678
19
20
21
22
23
24