



1 January 9, 2012.

2 5. Beginning on or around December 8, 2015, Diversified Marketing and Carter engaged  
3 in the business of providing investment advice to California residents regarding investments made  
4 through OptionsXpress, an options trading platform. At least one California resident gave Diversified  
5 Marketing and Carter access to \$50,000.00 of investment capital in her OptionsXpress account.  
6 Diversified Marketing and Carter charged at least one California resident a consultation fee of  
7 \$7,895.00 in connection with providing investment advice.

8 6. Beginning in at least December 8, 2015, Diversified Marketing and Carter, in the  
9 process of providing investment advice, represented to at least one California resident that Carter was  
10 a licensed financial advisor. However, Diversified Marketing and Carter failed to disclose to the  
11 California investor that Carter was barred by FINRA in 2012 and was not licensed as an investment  
12 adviser.

13 7. Diversified Marketing and Carter do not have a valid investment adviser certificate  
14 issued by the Commissioner nor have they been registered as an investment adviser with the U.S.  
15 Securities & Exchange Commission.

16 8. Diversified Marketing and Carter are not exempt from the certification requirement set  
17 forth in the Corporate Securities Law of 1968 (Corp. Code, § 25000 et seq.) (CSL).

18 9. CSL section 25230, subdivision (a), prohibits a person from conducting business as an  
19 investment adviser in this state without first apply for and securing a certificate from the  
20 Commissioner authorizing them to do so, unless exempt.

21 10. Under section 25235, subdivisions (a) and (b) of the CSL, it is unlawful for any  
22 investment adviser, directly or indirectly, in this state to employ any device, scheme, practice, or  
23 artifice to defraud any client or prospective client; and to engage in any transaction, practice, or  
24 course of business which operates or would operate as a fraud or deceit upon any client or  
25 prospective client.

26 Based upon the foregoing findings, the Commissioner is of the opinion that Diversified  
27 Marketing and Management, LLC a.k.a. The Asset Management Group and Michael Dewayne  
28 Carter, Sr. conducted business as an investment adviser in this state without first securing from the

1 Commissioner a certificate, authorizing them to do so, in violation of section 25230 of the CSL.

2 Pursuant to section 25532 of the CSL, Diversified Marketing and Management, LLC a.k.a.  
3 The Asset Management Group and Michael Dewayne Carter, Sr. are hereby ordered to desist and  
4 refrain from conducting business as an investment adviser in the State of California, unless and until  
5 Diversified Marketing and Management, LLC a.k.a. The Asset Management Group and Michael  
6 Dewayne Carter, Sr. have first applied for and secured from the Commissioner a certificate, then in  
7 effect, authorizing them to act as an investment advisor or unless exempt.

8 Based upon the foregoing findings, the Commissioner is of the opinion that Diversified  
9 Marketing and Management, LLC a.k.a. The Asset Management Group and Michael Dewayne  
10 Carter, Sr. conducted business as an investment adviser in this state and employed a device, scheme,  
11 or artifice to defraud any client or prospective client and engaged in a transaction, practice, or course  
12 of business which operates or would operate as a fraud or deceit upon any client or prospective client,  
13 in violation of section 25235, subdivisions (a) and (b) of the CSL.

14 Pursuant to section 25532 of the CSL, Diversified Marketing and Management, LLC a.k.a.  
15 The Asset Management Group and Michael Dewayne Carter, Sr. are hereby ordered to desist and  
16 refrain from directly or indirectly employing any device, scheme, or artifice to defraud any client or  
17 prospective client and to engage in any transaction, practice, or course of business which operates or  
18 would operate as a fraud or deceit upon any client or prospective client.

19 This Order is necessary, in the public interest, for the protection of investors, and consistent  
20 with the purposes, policies, and provisions of the Corporate Securities Law of 1968.

21 Dated: December 12, 2018  
22 Sacramento, CA

JAN LYNN OWEN  
Commissioner of Business Oversight

23  
24  
25 By \_\_\_\_\_  
26 MARY ANN SMITH  
27 Deputy Commissioner  
28 Enforcement Division