

**ADMINISTRATIVE PROCEEDING
BEFORE THE
SECURITIES COMMISSIONER OF MARYLAND**

IN THE MATTER OF:	*	
ABIGAIL TRINITY-DAVIES	*	CASE NO. 2008-0268
d/b/a	*	OAH No. OAG-SD-50-10-23540
TRINITY TEMPORARIES & BUSINESS SERVICES	*	
	*	
Respondent.	*	
	*	
* * * * * * * * * * * *		

FINAL ORDER

WHEREAS, the Securities Division of the Office of the Attorney General (the "Securities Division") initiated an investigation into the activities of Abigail Trinity-Davies d/b/a Trinity Temporaries & Business Services ("Trinity-Davies" or "Respondent"); and

WHEREAS, pursuant to Section 11-701 of the Securities Act, on August May 25, 2010, the Maryland Securities Commissioner (the "Securities Commissioner") issued an Order To Show Cause (the "Show Cause Order") requiring Trinity-Davies to show cause why a final order should not be entered against her ordering that Trinity-Davies be barred permanently from engaging in the securities and investment advisory business in Maryland, that a monetary penalty be entered against her, and that she cease and desist from further violation of sections 11-301, 11-401, and 11-501 of the Securities Act.

WHEREAS, the Show Cause Order gave Trinity-Davies notice of the opportunity for a hearing in this matter provided that Trinity-Davies submitted an answer within 15 days of service

of the Show Cause Order, including any request for a hearing, and gave notice that failure to do so would be considered a waiver of the right to a hearing and result in the entry of a final order; and

WHEREAS, on June 10, 2010, Trinity-Davies filed an Answer to the Show Cause Order and requested a hearing; and

WHEREAS, on June 30, 2010, the Securities Commissioner referred this matter to the Office of Administrative Hearings for a hearing and proposed decision; and

WHEREAS, the matter was assigned to the Honorable Mary R. Craig who set the matter for a telephone prehearing conference scheduled on September 2, 2010; and

WHEREAS, on August 18, 2010, the Securities Division filed a Pre-Hearing Statement; and

WHEREAS, on August 18, 2010, Trinity-Davies filed a Pre-Hearing Statement; and

WHEREAS, on September 2, 2010, Judge Craig conducted a telephone pre-hearing conference with Assistant Attorney General Julie BelClaire representing the Securities Division and Walter W. Green, Esquire, representing Trinity-Davies; and

WHEREAS, on September 2, 2010, Judge Craig issued a Pre-Hearing Conference Report and Order setting the deadline for preliminary motions of October 27, 2010, with responses and replies due during November 2010, and setting the hearing on the Show Cause Order for January 12 to 14, 2011; and

WHEREAS, on October 25, 2010, the Securities Division filed a Motion for Proposed Summary Decision (“Summary Decision Motion”), Exhibits, and a Memorandum of Law; and

WHEREAS, on November 18, 2010, Mr. Green filed an Opposition to the Motion for

Proposed Summary Decision (“Opposition”), with one Exhibit; and

WHEREAS, on December 2, 2010, the Securities Division filed a Reply to the Opposition; and

WHEREAS, on January 3, 2011, Judge Craig issued a Ruling on Proposed Summary Decision (“Proposed SD Ruling”) appearing to deny the Securities Division’s Summary Decision Motion, but then, on January 10, 2011, issued a letter clarifying the Proposed SD Ruling and explaining that she ruled for the Securities Division on Counts I (Offer and Sale of Unregistered Securities - Section 11-501) and II (Broker-Dealer/Agent Registration Violations - Section 11-401) of the Show Cause Order; and

WHEREAS, Judge Craig also directed that, at the hearing, the parties should present evidence on the issue of the alleged violation in Count III (Fraud in the Connection with the Offer and Sale of Securities - Section 11-301) and not present any evidence on the facts that she found to be undisputed in her Proposed SD Ruling; and

WHEREAS, on January 13 and 14, 2011, a hearing was held on this matter; and

WHEREAS, on February 8, 2011, Ms. BelClaire filed the Securities Division’s written Closing Argument; and

WHEREAS, on February 25, 2011, Mr. Green filed Trinity-Davies’ written Closing Argument; and

WHEREAS, on March 7, 2011, Ms. BelClaire filed the Securities Division’s Reply to Trinity-Davies’ Closing Argument; and

WHEREAS, on May 24, 2011, Judge Craig issued a Proposed Ruling on Motion for Summary Decision (“Proposed Decision”), a copy of which is attached to this Final Order as

Exhibit 1; and

WHEREAS, in the Proposed Decision, Judge Craig proposed the entry of a final order that found that Trinity-Davies violated sections 11-301(1), (2), and (3), 11-401, and 11-501 of the Securities Act, ordered Trinity-Davies to cease and desist from acting as an unregistered issuer agent, permanently barred Trinity-Davies from engaging in the securities and investment advisory business in Maryland for or on behalf of others or from acting as a principal or consultant for any such business, and assessed Trinity-Davies a civil monetary penalty of \$35,000; and

WHEREAS, on June 8, 2011, Mr. Green filed Exceptions of Respondent Abigail Trinity-Davies, Individually and D/B/A Trinity Temporaries and Business Services, to Recommended Decision with Findings of Fact and Conclusions of Law of Mary R. Craig, Administrative Law Judge; and

WHEREAS, on June 13, 2011, the Securities Division filed its Opposition to Exceptions Filed by Respondent Abigail Trinity-Davies; and

WHEREAS, on March 1, 2012, the Securities Commissioner held a hearing on the Exceptions, at which each party presented its views concerning the Proposed Decision and the Proposed SD Ruling; and

WHEREAS, on July 26, 2012, Mr. Green notified the Securities Commissioner that, on June 11, 2012, Trinity-Davies had filed for protection under Chapter 13 of the United States Bankruptcy Code and asserted that this matter was subject to the automatic stay provisions of the Bankruptcy Code; and

WHEREAS, on July 27, 2012, Ms. BelClaire submitted to the Securities Commissioner a

response asserting that the matter was not subject to the automatic stay; and

WHEREAS, on August 3, 2012, the Securities Commissioner conducted a telephone conference with Mr. Green and Ms. BelClaire and notified them that the matter was not stayed by Trinity-Davies' bankruptcy filing; and

WHEREAS, having reviewed the Proposed SD Ruling and the Proposed Decision as well as the pleadings, exceptions and opposition to the exceptions filed in this matter, the Securities Commissioner has determined that it is in the public interest to issue this Final Order,

NOW, THEREFORE, THE SECURITIES COMMISSIONER ISSUES THIS FINAL ORDER AND FINDS, CONCLUDES AND ORDERS:

I. JURISDICTION

1. The Securities Commissioner has jurisdiction in this proceeding pursuant to section 11-701.1 of the Securities Act.

II. RESPONDENT

2. Trinity-Davies is a Maryland resident with a last known address located in Adelphi, MD.

3. Trinity-Davies owns a temporary personnel service d/b/a Trinity Temporaries & Business Services, which she operates out of an office condominium located at 3311 Toledo Terrace, Suite B-202, Hyattsville, MD.

4. Trinity-Davies has never been registered in Maryland as a broker-dealer or broker-dealer agent, or investment adviser or investment adviser representative.

III. FINDINGS OF FACT

5. The Securities Commissioner adopts the Findings of Fact in Judge Craig's

Proposed Decision, but modifies the monetary sanctions Judge Craig recommended in the Recommended Sanctions section of the Proposed Decision.

IV. CONCLUSIONS OF LAW

6. Trinity-Davies violated section 11-301(1) of the Securities Act by engaging in fraud in the offer and sale of securities by employing any device, scheme, or artifice to defraud.

7. Trinity-Davies violated section 11-301(2) of the Securities Act by engaging in fraud in the offer and sale of securities by making an untrue statement of a material fact or omitting to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading;

8. Trinity-Davies violated section 11-301(3) of the Securities Act by engaging in fraud in the offer and sale of securities by engaging in any act, practice, or course of business which operates or would operate as a fraud or deceit on any person.

9. Trinity-Davies violated section 11-401 of the Securities Act by transacting business in the offer and sale of securities in this State without required registration.

10. Trinity-Davies violated section 11-501 of the Securities Act by offering and selling securities in this State without required registration.

V. SANCTIONS

NOW, THEREFORE, pursuant to section 11-701.1 of the Securities Act, it is hereby ORDERED THAT:

11. Trinity-Davies permanently cease and desist from engaging in fraud in the offer and sale of securities in violation of the antifraud provisions of section 11-301 of the Securities Act;

12. Trinity-Davies permanently cease and desist from acting as an unregistered broker-dealer or agent in violation of section 11-401 of the Securities Act;

13. Trinity-Davies permanently cease and desist from engaging in the offer and sale of unregistered, non-exempt securities in violation of section 11-501 of the Securities Act;

14. Trinity-Davies is permanently barred from engaging in the securities and investment advisory business or from acting as a principal or consultant in any entity so engaged.

15. Trinity-Davies is assessed a civil monetary penalty of \$175,000.00 pursuant section 11- 701.1(b)(4) of the Securities Act and COMAR 02.02.01.04B, plus statutory interest. Based on the allowable sanctions set forth in section 11-701.1 of the Securities Act, the Securities Commissioner can impose a civil penalty of up to \$5000 for each of the thirty-five violations detailed in the Findings of Fact, totaling \$175,000. Thirty-five violations are calculated based on the seven different transactions calculated by year, multiplied by five separate violations of the Securities Act applied to each transaction.

16. The civil monetary penalty in the amount of \$175,000, plus statutory interest, payable by certified check to the Office of the Attorney General, will be offset by any restitution made to Trinity-Davies' victims in the principal amounts of \$50,000 to Salome Peters and \$35,000 to Annisa Cline-Thomas.

VI. JURISDICTION RETAINED

13. Jurisdiction is retained by the Securities Commissioner for the purposes of enabling any party to this Final Order to apply for such further orders and directions as may be necessary or appropriate for the construction or enforcement of this Final Order.

VII. APPEAL RIGHTS

14. Pursuant to the Code of Maryland Regulations, COMAR 02.02.06.24, Trinity-Davies has the right to file an appeal of this Final Order with the Circuit Court of Maryland. Any appeal must be filed within 30 days from the date this Final Order is mailed by the Securities Division.

SO ORDERED:

**Commissioner's Signature on
File w/Original Document**

Dated: January 14, 2014

MELANIE SENTER LUBIN
SECURITIES COMMISSIONER