

STATE OF OKLAHOMA
DEPARTMENT OF SECURITIES
204 NORTH ROBINSON, SUITE 400
OKLAHOMA CITY, OKLAHOMA 73102



In the Matter of:

Pentecost Capital Management, Inc. (CRD#106078) and
C. Daniel Pentecost (CRD# 1066678),

Respondents.

ODS File 20-019

HEARING OFFICER'S REPORT AND RECOMMENDATION

This matter having been heard before the undersigned hearing officer on September 18, 2020, I now make the following report and recommendation to the Administrator.

HEARING OFFICER'S REPORT

1. The Summary Order Suspending Registrations, dated August 3, 2020, is rooted in the public interest and Respondents' alleged insolvency and unethical practices set forth more fully in the Enforcement Division Recommendation dated August 3, 2020.

Public Interest

2. Respondents did not present information in their Answer Regarding Summary Suspension and Request for Hearing, dated August 21, 2020, to refute the conclusions of law/ findings of fact that the Summary Order Suspending Registrations is in the public interest pending the administrative proceeding.
3. Respondents did not present evidence during the hearing to refute the conclusions of law/ findings of fact that the Summary Order Suspending Registrations is in the public interest pending the administrative proceeding.
4. The Division alluded to and presented evidence during the hearing that the Summary Order Suspending Registrations pending the administrative proceeding is in the public interest.

Insolvency

5. On April 16, 2020, prior to the Enforcement Division Recommendation, Respondent Pentecost filed for Chapter 7 bankruptcy in the Northern District of Oklahoma.
6. Insolvency is set forth in Section 1-411.D.7 of the Oklahoma Uniform Securities Act of 2004.
7. Without the benefit of current financial statements, the Respondent Pentecost's Chapter 7 bankruptcy petition stands alone.
8. Respondents did not present sufficient evidence during the hearing to refute the allegations of insolvency by the Enforcement Division Recommendation incorporated by reference into the Summary Order Suspending Registration.
9. Respondents did not present sufficient information in their Answer Regarding Summary Suspension and Request for Hearing to refute the allegations of insolvency by the Enforcement Division Recommendation incorporated by reference into the Summary Order Suspending Registration.

Unethical Practices

10. Respondents did not present sufficient information in their Answer Regarding Summary Suspension and Request for Hearing to refute the unethical practices alleged by the Enforcement Division Recommendation incorporated by reference into the Summary Order Suspending Registration.
11. Respondents did not present sufficient evidence during the hearing to refute the unethical practices alleged by the Enforcement Division Recommendation incorporated by reference into the Summary Order Suspending Registration.

CONCLUSIONS OF LAW

12. The Administrator was authorized under Section 1-1411.F of the Oklahoma Uniform Securities Act of 2004 to summarily suspend Respondents' registrations under the Act pending a final determination of the administrative proceeding.
13. It is in the public interest for the Respondents' Registrations under the Act to continue to be suspended until a final determination of the administrative proceeding.

RECOMMENDATIONS TO THE ADMINSTRATOR

14. It is recommended that Respondent's motion to dismiss the Summary Order Suspending Registrations contained in the Answer Regarding Summary Suspension and Request for Hearing be denied.

15. It is recommended that the Summary Order Suspending Registrations be extended until the final determination of the administrative proceeding.
16. It is recommended that the hearing on the matters set forth in the Enforcement Division Recommendation shall remain scheduled to commence at 10:00 am on November 18, 2020 as noticed in the Order Setting Hearings dated September 3, 2020.



Danni L. Johnson
Hearing Officer

September 28, 2020
Oklahoma City, OK

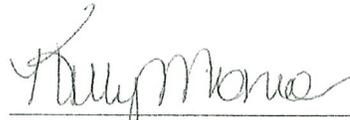
CERTIFICATION OF COPY

I, the undersigned, do hereby certify that the attached is a true and correct copy of the Hearing Officer's Report and Recommendations dated September 28, 2020 In the Matter of Pentecost Capital Management, Inc. (CRD#106078) and C. Daniel Pentecost (CRD# 1066678), Respondents, ODS File 20-019.



Danné L. Johnson
Hearing Officer

Subscribed and sworn to before me this 29 th day of September 2020.



Notary Public

My Commission Expires: 11/10/2020

My Commission Number: 08011465

