



DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
Business Registration Division
Securities Enforcement Branch
News Release

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**STATE ORDERS FORMER “TOP MALE FITTEST CEO” DAVID T.
LOWANDHAWAII CAPITAL MANAGEMENT, LLC TO CEASE AND DESIST**

HONOLULU –Hawaii Commissioner of Securities Tung Chan of the Department of Commerce and Consumer Affairs issued a Preliminary Order to Cease and Desist and Notice of Right to Hearing against a Hawaii businessman, David T. Low, and his company, Hawaii Capital Management, LLC, for violating State securities laws.

Low promoted himself in the community as an investment expert and as “Hawaii’s Fittest CEO” on his company website, hawaiicapitalmanagement.com, among other places. He was featured in the October 2007 Hawaii Business Magazine article, “Top Male and Female Fittest CEO.”

The order asserts that between February 2010 and April 2012, Low solicited three investors to purchase securities in the form of investment contracts from Hawaii Capital Management, LLC. Low allegedly told the investors that their money would be invested in an annuity, Roth IRA, or “pooled” investment for their future use and benefit. As a result, the investors furnished a combined total of \$257,626.18 to Low and his company.

However, none of the investors’ money were ever invested as promised. Instead, Low used the investors’ money to purchase securities for himself and for personal expenses, including payments to Mercedes Benz, Audi Hawaii, and the City & County of Honolulu for registration of a Ferrari. Low also used money for retail purchases, groceries, dining and entertainment, gym membership, rent, credit card payments, and cash withdrawals.

The order also asserts that Low and Hawaii Capital Management, LLC employed deceptive schemes and devices to conceal the fraud such as forging documents, using one investor’s money to pay a return to another investor, and issuing false financial statements of fictitious accounts and account balances.

State securities laws provide anti-fraud provisions and also require securities such as investment contracts, as well as individuals or entities soliciting or transacting securities, to be registered with the State. The order alleges that Low was not registered to transact securities in Hawaii, that the securities he sold to the three investors were also unregistered, and that Respondents violated the State's anti-fraud provisions.

The order seeks total penalties of \$200,000 in addition to a permanent injunction against transacting securities in the State, rescission, and restitution for the investors.

Anyone who has been solicited by or transacted business with David T. Low and/or Hawaii Capital Management, LLC or who may have information regarding this matter is urged to contact the State Securities Enforcement Branch.

Securities Enforcement Branch

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Kauai:	(808) 274-3141, followed by 62740 and the # sign
Maui:	(808) 984-2400, followed by 62740 and the # sign
Hawaii:	(808) 974-4000, followed by 62740 and the # sign
Lanai and Molokai:	1-800-468-4644 (toll free), followed by 62740 and the # sign
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The Securities Enforcement Branch of the DCCA receives and investigates complaints regarding potential violations of Hawai'i securities laws and prosecutes securities fraud and other securities violations.

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