

UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934  
Release No. 51538/April 13, 2005

ADMINISTRATIVE PROCEEDING  
File No. 3-11842

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In the Matter of	:	
	:	ORDER MAKING FINDINGS
	:	AND IMPOSING REMEDIAL
DAVID HUTTER (a/k/a DAVID GREEN)	:	SANCTION BY DEFAULT
	:	
	:	

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The Securities and Exchange Commission (SEC or Commission) issued its Order Instituting Proceedings (OIP) on March 3, 2005, pursuant to Section 15(b) of the Securities Exchange Act of 1934 (Exchange Act). The Office of the Secretary has provided evidence that Respondent David Hutter (Hutter) received the OIP on March 7, 2005 (Postal Service Form 3811). Under the terms of the OIP, Hutter's Answer was due by March 28, 2005. When no Answer was received, I directed Hutter to show cause, on or before April 11, 2005, why he should not be held in default. No response to the show cause order has been received.

Hutter is in default for failing to file an Answer to the OIP. Pursuant to Rule 155(a) of the Commission's Rules of Practice, I find the following allegations in the OIP to be true.

As of September 2001, Spectrum Brands Corp. (Spectrum Brands) was an inactive, publicly traded shell corporation, based in Boca Raton, Florida. From October through December 2001, Spectrum Brands was controlled and managed by a group of stock promoters and convicted felons working out of a suite of offices at 33 Tec Street, Hicksville, New York (Hicksville promoters).

Hutter is a resident of Syosset, New York. During the relevant period, Hutter was one of the Hicksville promoters and participated in an offering of Spectrum Brands common stock, a penny stock.

The Commission filed a complaint in the U.S. District Court for the Eastern District of New York, captioned SEC v. Spectrum Brands Corp., Civil Action No. 01-CV-8257. The complaint alleged that Hutter, among others, participated in a fraudulent scheme to manipulate the stock price of Spectrum Brands by exploiting the nation's fear of anthrax and bio-terrorism. As part of this scheme, Hutter and the other Hicksville promoters falsely claimed to have a hand-

held device called the DeGERMinator, capable of “wiping out surface germs in less than 5 seconds, including Anthrax.” They also misrepresented the true ownership and control of the company.

On May 20, 2002, a final judgment was entered by default against Hutter, permanently enjoining him from future violations of Section 17(a) of the Securities Act of 1933, Section 10(b) of the Exchange Act, and Rule 10b-5 thereunder.

Based on the foregoing, I find it appropriate in the public interest to bar Hutter from participating in any offering of penny stock.

IT IS ORDERED THAT, pursuant to Section 15(b) of the Securities Exchange Act of 1934, David Hutter, a/k/a David Green, is barred from participating in any offering of penny stock.

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James T. Kelly  
Administrative Law Judge