1 2 3 4 5 6	MARY ANN SMITH Deputy Commissioner SEAN ROONEY Assistant Chief Counsel BLAINE A. NOBLETT (State Bar No. 235612) Senior Counsel Department of Business Oversight 320 West 4th Street, Suite 750 Los Angeles, California 90013-2344 Telephone: (213) 576-1396 Facsimile: (213) 576-7181	
7	Attorneys for Complainant	
8		
9	BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT	
10	OF THE STATE OF CALIFORNIA	
11) CRD No.: 4880813
12	In the Matter of:	Ó
13	THE COMMISSIONER OF BUSINESS OVERSIGHT,	 ORDER BARRING JOSEPH N. FAHMY FROM ANY POSITION OF EMPLOYMENT, MANAGEMENT OR CONTROL OF ANY
14	Complainant,) INVESTMENT ADVISER OR BROKER-) DEALER
15	V.	(CORPORATIONS CODE SECTION 25232.1)
16	JOSEPH N. FAHMY,	} (CORT CRATTICALS CODE SECTION 23232.1)
17	·	
18	Respondent.	}
19		
20		_
21	TO: Joseph N. Fahmy	
22	67 Alexander Avenue Belmont, MA 02478	
23		
	1. On October 11, 2016, the Commissioner of Business Oversight ("Commissioner")	
24	brought an action to bar Joseph N. Fahmy from any position of employment, management, or control of any investment adviser or broker-dealer under section 25232.1 of the Corporate Securities Law of 1968 (Corp. Code, § 25000 et seq.).	
25		
26		
27		
28		-1-

1

2

3

4

5

6

7

8

9

- 2. Joseph N. Fahmy ("Fahmy") (CRD no. 4880813) is a Massachusetts resident and employee of Zor Capital, LLC ("Zor Capital"), a New York limited liability company, authorized to transact business in California.
- 3. Zor Capital has an address of 290 Sprain Road, Scarsdale, New York. Zor Capital is a New York-based investment management firm, registered as an investment adviser with the State of New York (CRD no. 156830).
- 4. On December 22, 2015, Zor Capital filed an application for an investment adviser certificate with the State of California through the Investment Adviser Registration Depository. A review of the company's application, a FORM ADV, disclosed that Fahmy, Zor Capital's employee, is currently barred by The Commonwealth of Massachusetts, Secretary of the Commonwealth, Securities Division.
- 5. Zor Capital's investment adviser certificate application remains pending before the Commissioner.
- 6. A review of the Massachusetts consent order disclosed that Fahmy is barred from operating as a broker-dealer agent or investment adviser representative within or for the residents of the Commonwealth of Massachusetts, and barred from registering as a broker-dealer agent or investment adviser representative within the Commonwealth, for a period of eight years, beginning February 26, 2013. During the period from at least January 1, 2009 to July 29, 2011, Massachusetts securities regulators found Fahmy had acted as an investment adviser, soliciting and receiving compensation from Massachusetts residents for his investment advisory services. Fahmy did not hold a certificate or license to transact business as an investment adviser or investment adviser representative within Massachusetts.
 - 7. Massachusetts' February 26, 2013 consent order remains in effect.
- 8. The Commissioner finds Fahmy has violated Corporations Code section 25232, subdivision (d)(3). Therefore, cause exists under section 25232.1 to bar Fahmy from any position of employment, management, or control of any investment adviser or broker-dealer.

27 28

20

21

22

23

24

25

26

9. On October 11, 2016, the Commissioner initiated an administrative action to bar		
Fahmy from any position of employment, management or control of any investment adviser or		
broker-dealer. The Commissioner issued and served Fahmy, at his last known address on file with		
FINRA's Central Registration Depository ("CRD"), by certified mail, return receipt, the following		
pleadings: Notice of Intention to Issue Order Barring Joseph N. Fahmy; Statement of Issues in		
Support of Notice of Intention; Statement to Respondent; Government Code sections 11507.5-		
11507.7; Notice of Defense.		
10. Fahmy has not requested a hearing within the 30 days of service as required, and the		
time to request a hearing has now expired.		
GOOD CAUSE APPEARING THEREFOR, IT IS ORDERED that Joseph N. Fahmy be		
barred from any position of employment, management, or control of any investment adviser or		
broker-dealer under Corporations Code section 25232.1.		
Dated: November 29, 2016 Los Angeles, California JAN LYNN OWEN Commissioner of Business Oversight By: MARY ANN SMITH Deputy Commissioner Enforcement Division		

-3-