

1 WAYNE STRUMPFER
Acting California Corporations Commissioner
2 ALAN S. WEINGER
Acting Deputy Commissioner
3 DOUGLAS M. GOODING (83518)
Senior Corporations Counsel
4 71 Stevenson Street, Ste. 2100
5 San Francisco, CA 94105-2908
Tel: 415/972-8546
6 Fax: 415/972-8550
7 Attorneys for Complainant

8
9 BEFORE THE DEPARTMENT OF CORPORATIONS
10 OF THE STATE OF CALIFORNIA
11

12	In the Matter of)	CASE NO.
13)	
14	THE CALIFORNIA CORPORATIONS)	FILE NO. 927-0448
15	COMMISSIONER,)	
16)	ORDER TO DISCONTINUE VIOLATIONS
17	Complainant,)	PURSUANT TO CORPORATIONS CODE
18)	SECTION 25249
19	v.)	
20)	
21	THOMAS CHARLES MARSELLA)	
22	dba EARNINGS INVESTMENT CO.)	
23)	
24	Respondent.)	
25)	
26)	
27)	
28)	

22 TO: Thomas Charles Marsella
23 dba Earnings Investment Company
24 2787 W. Bullard Ave., Suite 109-B
Fresno, California 93711

25 The Acting California Corporations Commissioner, Wayne Strumpfer, ("Commissioner") finds that:
26 Thomas Charles Marsella dba Earnings Investment Company ("Marsella") has
27 violated California Corporations Code section 25241 and California Code of
28 Regulations section 260.241.3 by failing to maintain journal entries, accurate general

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ledger balances, cash reconciliations, accurate trial balances, balance sheet statements and all client agreements.

Marsella has violated California Code of Regulations section 260.237 by failing to institute guidelines and practices for automatic fee payments to avoid regulatory requirements for advisory firms deemed to have custody of client funds.

Marsella has violated California Code of Regulations section 260.241.4 by failing to properly update information filed with the Department, including but not limited to describing his business, its non-discretionary accounts, and its relationships with affiliated or other entities, including Marsella Financial Group, LLC.

NOW, BASED UPON THE FOREGOING, AND GOOD CAUSE APPEARING, it is hereby ORDERED under the provisions of Corporations Code section 25249 that Marsella immediately discontinue those acts that were in violation of California Corporations Code section 25241 and California Code of Regulations sections 260.241.3, 260.237, and 260.241.4.

Dated: April 18, 2006
San Francisco, California

WAYNE STRUMPFER
Acting California Corporations Commissioner

By: _____
ALAN S. WEINGER
Acting Deputy Commissioner
Enforcement Division