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9
10 BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT
11 OF THE STATE OF CALIFORNIA

12 In the Matter of the Accusation of)
13 THE COMMISSIONER OF BUSINESS)
14 OVERSIGHT,)

15 Complainant,

16 v.

17 ANTHONY OTTIMO)
18)

19 Respondent.)
20)
21)

CRD No. 2974369

**ORDER BARRING ANTHONY OTTIMO
FROM ANY POSITION OF
EMPLOYMENT, MANAGEMENT OR
CONTROL OF ANY BROKER-DEALER
OR INVESTMENT ADVISER**

(CORP. CODE § 25213)

22 TO: ANTHONY OTTIMO
23 25 Sagamore Drive, #214
Plainview, New York 11803
24 And
25 7677 Glendevon Lane Apt. 1705
Delray Beach, Florida 33446-2866
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27 1. On December 18, 2015, the California Commissioner of Business Oversight
28 (“Commissioner”) brought an action to bar Anthony Ottimo Sr. (Ottimo) (CRD # 2974369) from any

1 position of employment, management, or control of any investment adviser, broker-dealer or
2 commodity adviser, pursuant to Corporations Code section 25212 and 25213.

3 2. From November 27, 2001 to October 12, 2012 EKN Financial Services, Inc. f/k/a
4 Ehrenkrantz King Nussbaum, Inc. (“EKN Financial”) was a Financial Industry Regulatory Authority
5 (“FINRA”) regulated broker dealer with an office first in Garden City and then in Melville, New
6 York. FINRA is a national self-regulatory membership association of broker-dealers, authorized by
7 the 1938 Maloney Act amendments to the Securities Exchange Act of 1934 to supervise the conduct
8 of its members subject to the oversight of the United States Securities and Exchange Commission
9 (“SEC”).

10 3. Ottimo (CRD No. 2974369) was registered with FINRA from October 15, 1997 to
11 October 12, 2012. As an employee of EKN Financial, and as 45% owner of EKN Financial’s parent
12 company, from June 30, 2001 through October 12, 2012 Ottimo was subject to FINRA’s jurisdiction
13 as well.

14 4. On June 6, 2008, EKN Financial and Ottimo consented to the entry of an SEC Order
15 Instituting Administrative and Cease-And-Desist Proceedings, Making Findings, and Imposing
16 Remedial Sanctions and A Cease-And-Desist Order Pursuant to Section 8A of the Securities Act of
17 1933, and Sections 15(b) and 21C of the Securities Exchange Act of 1934, as to EKN Financial
18 Services, Inc. F/K/A Ehrenkrantz King Nussbaum, Inc. and Anthony Ottimo, dated June 6, 2008. In
19 this Order the SEC found that between January 2003 and November 2003, EKN Financial and
20 Ottimo, through a person associated with EKN Financial who performed the functions of a registered
21 representative, defrauded mutual funds and their shareholders by engaging in a variety of deceptive
22 acts and practices, including creating multiple “cloned” accounts in order to continue to engage in
23 market timing concealed from the funds and evading restrictions of the funds on market timing and
24 exchanges in a given fund family. Ottimo was an officer of EKN Financial at this time and was aware
25 of the improper activities of this associated person, and as a result Ottimo was barred from
26 associating with any broker or dealer in a supervisory capacity.

27 5. On October 12, 2012 FINRA issued an Order Accepting Offer of Settlement wherein
28 EKN Financial and Ottimo consented to the entry of findings as follows: In violation of the June 6,

1 2008 SEC bar, Ottimo continued to act as EKN Financial’s Chief Executive Officer, a general
2 securities principal, and in a supervisory capacity, and engaged in other conduct showing an ongoing
3 defiance of securities laws, securities regulations and FINRA rules, including the failure to detect and
4 report suspicious transactions that may indicate money laundering, the failure to report judgments
5 and liens filed against Ottimo, the failure to maintain required net worth minimums, and numerous
6 other compliance violations. In this Order, EKN Financial was expelled from membership in
7 FINRA, and Ottimo was barred from association in any capacity with a FINRA member firm.

8 6. The FINRA and SEC orders are each sufficient to bar Ottimo from any position of
9 employment, management or control of any broker dealer or investment adviser under Corporations
10 Code sections 25213 and 25212(d).

11 7. On January 29, 2016, Ottimo was served by certified mail at his registered business
12 address with FINRA, with copies of the following documents: (a) Notice of Intention to Issue Order
13 to Bar Anthony Ottimo from Any Position of Employment, Management or Control of Any Broker-
14 Dealer or Investment Adviser; (b) Accusation; (c) Statement to Respondent; (d) Notice of Defense;
15 and (e) Government Code sections 11507.5, 11507.6 and 11507.7. These documents were also served
16 by certified mail on the two other last know business and personal addresses of Ottimo. Service by
17 certified mail of the above pleadings at his last registered address with FINRA gave legal notice to
18 Ottimo of the Commissioner’s intention to enter an order barring Ottimo and of the reasons therefor.
19 There has been no request for a hearing by Ottimo received by the Commissioner within the time
20 specified by law for doing so.

21 8. The above-described violations constitute grounds under Corporations Code sections
22 25213 and 25212, subdivision (d) to bar Ottimo from any position of employment management or
23 control of any broker-dealer or investment adviser in California. The Commissioner hereby finds that,
24 by reason of the foregoing, it is in the best interest of the public to bar Ottimo from any position of
25 employment management or control of any broker-dealer or investment adviser in California.

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THEREFORE, GOOD CAUSE APPEARING, IT IS ORDERED that Anthony Ottimo Sr. (CDR # 2974369) is barred in the State of California from any position of employment, management or control of any investment adviser, broker-dealer or commodity adviser. This order is effective immediately.

Dated: March 16, 2016
Sacramento, California

JAN LYNN OWEN
Commissioner of Business Oversight

By _____
MARY ANN SMITH
Deputy Commissioner
Enforcement Division