

1 **STATE OF CALIFORNIA**
2 **BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY**
3 **DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION**

4 TO: Maccio Financial, LLC
5 Michelle Maccio
6 10000 Santa Monica Boulevard # 2606
7 Los Angeles, California 90067
8

9 **DESIST AND REFRAIN ORDER**

10 **(For violations of section 25238 of the Corporations Code and**
11 **section 260.238 of title 10 of the California Code of Regulations)**

12 The Commissioner of the Department of Financial Protection and Innovation finds that:

13 1. Maccio Financial, LLC (Maccio Financial) holds a valid investment adviser certificate
14 issued by the Commissioner beginning on December 27, 2018, pursuant to Corporations Code section
15 25230 (CRD No. 169793). Maccio Financial is an investment adviser business located at 10000 Santa
16 Monica Boulevard # 2606, Los Angeles, California 90067

17 2. At all relevant times, Michelle Maccio was the control person, chief compliance
18 officer, and manager of Maccio Financial.

19 3. Maccio Financial manages various pooled investment vehicles (or funds), including
20 Maccio Investments, LP, and recommends that members of the public investment money in those
21 funds. At all relevant times, Maccio Financial was the investment manager for Maccio Investments,
22 LP and had discretionary authority over how the fund invested money.

23 4. In or about February 2017, Maccio Investments, LP entered into a promissory note
24 with Michelle Maccio. As of December 31, 2018, the principal and interest due on the promissory
25 note was almost \$1,000,000.00. To date, Michelle Maccio has not repaid the money borrowed from
26 clients.

27 5. The clients from whom money was borrowed pursuant to the promissory note were
28 not broker-dealer, an affiliate of Maccio Financial or Michelle Maccio, or a financial institution.

1 Based upon the foregoing findings, the Commissioner is of the opinion that Maccio Financial,
2 LLC and Michelle Maccio has engaged, is engaging, or is about to engage in activities that do not
3 promote fair, equitable or ethical principles by borrowing money from a client, who is not a broker-
4 dealer, an affiliate of the investment adviser, or a financial institution engaged in the business of
5 loaning funds or securities, in violation of Corporations Code section 25238 and California Code of
6 Regulations, title 10, section 260.238, subdivision (f). Pursuant to section 25532 of the Corporate
7 Securities Law of 1968, Maccio Financial, LLC and Michelle Maccio are hereby ordered to desist
8 and refrain from engaging in activities that do not promote fair, equitable or ethical principles by
9 borrowing money or securities from a client unless the client is a broker-dealer, an affiliate of the
10 investment adviser, or a financial institution engaged in the business of loaning funds or securities.

11 Pursuant to section 25403 of the Corporations Code, any person who controls or induces
12 another person to violate a provision of the Corporations Securities Law of 1968, or any person who
13 provides substantial assistance to another person in the violation of the Corporations Securities Law
14 of 1968, shall be liable for the violation.

15 This Order is necessary, in the public interest, for the protection of investors and consistent
16 with the purposes, policies, and provisions of the Corporate Securities Law of 1968.

17 Dated: November 9, 2020
18 Sacramento, California

MANUEL P. ALVAREZ
Commissioner
Department of Financial Protection and Innovation

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20
21 By: _____
22 MARY ANN SMITH
23 Deputy Commissioner
24 Enforcement Division
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