

1 CLOTHILDE V. HEWLETT
Commissioner
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Deputy Commissioner
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6 Department of Financial Protection and Innovation
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10 BEFORE THE DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION
11 OF THE STATE OF CALIFORNIA

12 In the Matter of:

13 THE COMMISSIONER OF FINANCIAL
PROTECTION AND INNOVATION,

14 Complainant,

15 v.

16 ATWOOD CONSORTIUM LLC, DANIEL T.
NERO, and JOHN KIRKORIAN

17 Respondents.
18

DESIST AND REFRAIN ORDER;

and

CLAIM FOR ANCILLARY RELIEF

(Corp. Code §§ 25532 and 25254)

19 The Commissioner of Financial Protection and Innovation (Commissioner) is informed and
20 believes, and based upon such information and believe, alleges and charges as follows:

21 **I. FACTUAL BACKGROUND**

22 1. At all relevant times, Atwood Consortium, LLC (Atwood), is and was a California
23 limited liability company located at 757 Linden Avenue, Los Altos, California 94022 operating as the
24 sole manager of CFP Fund I, LLC (CFP), a California limited liability company.

25 2. At all relevant times, Daniel T. Nero (Nero), is and was a managing member of
26 Atwood.

27 3. At all relevant times, John Kirkorian (Kirkorian), is and was a managing member of
28 Atwood.

Pursuant to California Corporations Code section 25532, Atwood Consortium LLC, Daniel T. Nero, and John Kirkorian are hereby ordered to desist and refrain from acting as an investment adviser in the State of California unless and until he has first applied for and secured from the Commissioner a certificate, authorizing them to act as an investment adviser, or unless exempt.

III. CLAIM FOR ANCILLARY RELIEF IN THE FORM OF DISGORGEMENT

Complainant re-alleges and reincorporates by reference, as set forth fully above in paragraphs 1 to 10.

Corporations Code section 25254 authorizes the Commissioner to seek ancillary relief on behalf of any person injured by violations of any provision of the Corporations Code and any rules promulgated thereunder.

Based on the foregoing findings, the Commissioner finds that the Respondents collected from the California pooled investment vehicle, while engaged in unregistered investment advisory activities, in an amount of \$743,665.70, in violation of Corporations Code sections 25230.

WHEREFORE, good cause showing and the Commissioner’s determination that this action is in the public interest and necessary to effectuate the Department’s primary, legitimate, regulatory purpose based upon the Respondents’ violations of the Corporations Code, the Commissioner hereby prays for an order of ancillary relief pursuant to Corporation Code section 25254, individually, jointly and severally against Respondents as follows:

A) Full Disgorgement, consisting of the total investment advisory fees collected by the Respondents, in the amount of \$743,665.70. or according to proof.

This Order is necessary, in the public interest, for the protection of investors, and consistent with the purposes, policies, and provisions of the CSL.

DATED: April 10, 2023
Sacramento, California

CLOTHILDE V. HEWLETT
Commissioner of Financial Protection and Innovation



By: _____
MARY ANN SMITH
Deputy Commissioner
Enforcement Division