

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 70563 / September 30, 2013

ADMINISTRATIVE PROCEEDING
File No. 3-15533

In the Matter of

Massimo L. Martinucci,

Respondent.

ORDER INSTITUTING
ADMINISTRATIVE PROCEEDINGS
PURSUANT TO SECTION 15(b) OF THE
SECURITIES EXCHANGE ACT OF 1934,
MAKING FINDINGS, AND IMPOSING
REMEDIAL SANCTIONS

I.

The Securities and Exchange Commission (“Commission”) deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted pursuant to Section 15(b) of the Securities Exchange Act of 1934 (“Exchange Act”) against Massimo L. Martinucci (“Martinucci” or “Respondent”).

II.

In anticipation of the institution of these proceedings, Respondent has submitted an Offer of Settlement (the “Offer”) which the Commission has determined to accept. Solely for the purpose of these proceedings and any other proceedings brought by or on behalf of the Commission, or to which the Commission is a party, Respondent consents to the Commission’s jurisdiction over him and the subject matter of these proceedings and to the entry of this Order Instituting Administrative Proceedings Pursuant to Section 15(b) of the Securities Exchange Act of 1934, Making Findings, and Imposing Remedial Sanctions (“Order”), as set forth below.

III.

On the basis of this Order and Respondent’s Offer, the Commission finds that:

1. Martinucci, 44 years old, resides in Batavia, New York. From April 1996 through April 2008, Martinucci was a registered representative associated with Joseph Stevens & Company, Inc., a broker-dealer registered with the Commission at the time.

2. On September 27, 2011, Martinucci was convicted by guilty plea of one count of engaging in a Securities Fraud Scheme in violation of New York General Business Law 0352-c(5), two counts of Securities Fraud in violation of New York General Business Law 0352-c(6), and two counts of Criminal Possession of Stolen Property in the Third Degree in violation of New York Penal Law 165.50, before the Supreme Court of the State of New York, in People of New York v. Joseph Stevens & Company, Inc., et al., Case Number 02394-2009. On January 6, 2012, Martinucci was sentenced to four months' imprisonment and five years' probation and ordered to make restitution in the amount of \$45,228.

3. The counts of the indictment to which Martinucci pleaded guilty alleged, inter alia, that from in or about January 2003 to in or about November 2005, Martinucci participated in a scheme to defraud investors that resulted in excessive and undisclosed commissions in stocks.

IV.

In view of the foregoing, the Commission deems it appropriate and in the public interest to impose the sanctions agreed to in Respondent's Offer.

Accordingly, it is hereby ORDERED pursuant to Section 15(b)(6) of the Exchange Act that Respondent be, and hereby is:

barred from association with any broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization and barred from participating in any offering of a penny stock, including: acting as a promoter, finder, consultant, agent or other person who engages in activities with a broker, dealer or issuer for purposes of the issuance or trading in any penny stock, or inducing or attempting to induce the purchase or sale of any penny stock.

Any reapplication for association by the Respondent will be subject to the applicable laws and regulations governing the reentry process, and reentry may be conditioned upon a number of factors, including, but not limited to, the satisfaction of any or all of the following: (a) any disgorgement ordered against the Respondent, whether or not the Commission has fully or partially waived payment of such disgorgement; (b) any arbitration award related to the conduct that served as the basis for the Commission order; (c) any self-regulatory organization arbitration award to a customer, whether or not related to the conduct that served as the basis for the Commission order; and (d) any restitution order by a self-regulatory organization, whether or not related to the conduct that served as the basis for the Commission order.

By the Commission.

Elizabeth M. Murphy
Secretary