

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 97244 / April 4, 2023

INVESTMENT ADVISERS ACT OF 1940
Release No. 6273 / April 4, 2023

ADMINISTRATIVE PROCEEDING
File No. 3-21359

In the Matter of

JOSEPH KIRKLAND,

Respondent.

ORDER INSTITUTING
ADMINISTRATIVE PROCEEDINGS
PURSUANT TO SECTION 15(b) OF THE
SECURITIES EXCHANGE ACT OF 1934
AND SECTION 203(f) OF THE
INVESTMENT ADVISERS ACT OF 1940,
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”) and Section 203(f) of the Investment Advisers Act of 1940 (“Advisers Act”) against Joseph Kirkland (“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 admits the Commission’s jurisdiction over him and the subject matter of these proceedings, and the findings contained in paragraph III.2 below, and consents to the entry of this Order Instituting Administrative Proceedings Pursuant to Section 15(b) of the Exchange Act and Section 203(f) of the Advisers Act, 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. Joseph M. Kirkland, age 57, is a resident of Carpinteria, California. Respondent was a registered representative at UnionBanc Investment Services, LLC ("UBIS") in Santa Barbara, California from January 2015 through May 2017 and at LPL Financial LLC ("LPL") in Carpinteria, California from May 2017 through April 2018 when he was terminated by LPL. During the relevant time period, UBIS and LPL were both dually registered as broker-dealers and investment advisers with the Commission.

2. On October 28, 2022, Respondent pleaded guilty to one count of conspiracy to commit wire fraud in violation of Title 18, United States Code, Sections 1349 and 1343 before the United States District Court for the District of Puerto Rico, in United States v. Joseph Kirkland, et al., Crim. No. 3:21-cr-00082-ADC-MDM (D.P.R.). Respondent is awaiting sentencing.

3. In his guilty plea, Respondent stipulated that from on or about March 2016 to on or about June 2018, he conspired with others to defraud the Municipality of Mayagüez, Puerto Rico (the "City") and its municipal enterprise, Mayagüez Economic Development, Inc. ("MEDI"), and to obtain money and property by means of materially false and misleading statements involving the City's funds. Respondent was the registered representative responsible for MEDI's brokerage account at UBIS, which held \$9 million of the City's funds earmarked for improving a local trauma center. Respondent made and caused to be made materially false statements to the City, through electronic messages, asserting that the City's \$9 million in principal was invested at a high rate of return. In reality, Respondent caused financial transactions that depleted the City's funds and converted a portion of the City's funds to Respondent's own personal use.

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, and Section 203(f) of the Advisers 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

Pursuant to Section 15(b)(6) of the Exchange Act Respondent be, and hereby is 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, compliance with the Commission's order and payment of any or all of the following: (a) any disgorgement or civil penalties ordered by a Court against the Respondent in any action brought by the Commission; (b) any disgorgement amounts ordered against the Respondent for which the Commission waived payment; (c) any arbitration award related to the conduct that served as the basis for the Commission order; (d) 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 (e) 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.

Vanessa A. Countryman
Secretary