

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 70571 / September 30, 2013

INVESTMENT ADVISERS ACT OF 1940
Release No. 3683 / September 30, 2013

ADMINISTRATIVE PROCEEDING
File No. 3-15538

In the Matter of

**LAWRENCE MAXWELL
MCCOY,**

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,
AND NOTICE OF HEARING**

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 Lawrence Maxwell McCoy (“Respondent” or “McCoy”).

II.

After an investigation, the Division of Enforcement alleges that:

A. RESPONDENT

1. From January 2004 to April 2008, McCoy was a registered representative associated with ING Financial Partners, Inc., which at the time of his association was a broker-

dealer registered with the Commission and an investment adviser registered with the Commission. McCoy, age 68, is a resident of Michigan.

B. RESPONDENT'S CRIMINAL CONVICTION

2. On September 20, 2012, McCoy pleaded guilty to one count of wire fraud in violation of 18 U.S.C. § 1343 before the United States District Court for the Western District of Michigan, in United States v. Lawrence Maxwell McCoy, Crim. Information No. 1:12-CR-00222 (JTN). On January 3, 2013, McCoy was sentenced in that proceeding to a prison term of 54 months followed by two years of supervised release and ordered to make restitution in the amount of \$690,267.37.

3. The count of the criminal information to which McCoy pleaded guilty alleged, among other things, that in 2007, while associated with ING Financial Partners, Inc., for the purpose of executing a scheme to defraud investors by fabricating an investment that he called "Marsico Private Ledger," McCoy used the wires in interstate commerce to communicate with his clients about their purported investments. Specifically, McCoy created fake price updates for the investment on a website which stored its information on data centers located in California, Texas, or Florida. Such information was then accessed by investors in Michigan.

III.

In view of the allegations made by the Division of Enforcement, the Commission deems it necessary and appropriate in the public interest that public administrative proceedings be instituted to determine:

A. Whether the allegations set forth in Section II. hereof are true and, in connection therewith, to afford Respondent an opportunity to establish any defenses to such allegations;

B. What, if any, remedial action is appropriate in the public interest against Respondent pursuant to Section 15(b)(6) of the Exchange Act; and

C. What, if any, remedial action is appropriate in the public interest against Respondent pursuant to Section 203(f) of the Advisers Act.

IV.

IT IS ORDERED that a public hearing for the purpose of taking evidence on the questions set forth in Section III. hereof shall be convened at a time and place to be fixed, and before an Administrative Law Judge to be designated by further order as provided by Rule 110 of the Commission's Rules of Practice, 17 C.F.R. § 201.110.

IT IS FURTHER ORDERED that Respondent shall file an Answer to the allegations contained in this Order within twenty (20) days after service of this Order, as provided by Rule 220 of the Commission's Rules of Practice, 17 C.F.R. § 201.220.

If Respondent fails to file the directed answer, or fails to appear at a hearing after being duly notified, the Respondent may be deemed in default and the proceedings may be determined against him upon consideration of this Order, the allegations of which may be deemed to be true as provided by Rules 155(a), 220(f), 221(f), and 310 of the Commission's Rules of Practice, 17 C.F.R. §§ 201.155(a), 201.220(f), 201.221(f), and 201.310.

This Order shall be served forthwith upon Respondent personally or by certified mail.

IT IS FURTHER ORDERED that the Administrative Law Judge shall issue an initial decision no later than 210 days from the date of service of this Order, pursuant to Rule 360(a)(2) of the Commission's Rules of Practice.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision of this matter, except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of Section 551 of the Administrative Procedure Act, it is not deemed subject to the provisions of Section 553 delaying the effective date of any final Commission action.

By the Commission.

Elizabeth M. Murphy
Secretary