

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 97213 / March 28, 2023

INVESTMENT ADVISERS ACT OF 1940
Release No. 6266 / March 28, 2023

ADMINISTRATIVE PROCEEDING
File No. 3-21352

In the Matter of

MARIO E. RIVERO,

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 Mario E. Rivero (“Rivero” 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 admits the Commission’s jurisdiction over him and the subject matter of these proceedings, and the findings contained in paragraphs III.2 and III.3 below, and consents to the entry of this 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 (“Order”), as set forth below.

III.

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

1. Rivero, age 39, was a registered representative and investment adviser representative of Wells Fargo Clearing Services, LLC from May 2010 until September 2020, and of LPL Financial, LLC from September 2020 to June 2021. Rivero held FINRA series 6, 7, 63 and 68 licenses before being barred by FINRA in June 2021.

2. On February 2, 2023, Rivero pled guilty to violations of 18 U.S.C. § 1343, 18 U.S.C. § 2; 15 U.S.C. §§ 78j(b) & 78ff, and 17 C.F.R. § 240.10b-5 thereunder before the United States District Court for the District of New Jersey in *United States v. Rivero*, No. 22 Crim. 11085 (D.N.J.). Rivero has not yet been sentenced in that matter.

3. On March 14, 2022, the Commission filed a complaint against Rivero in *SEC v. Rivero*,² (Civil Action No. 22-01360 (ZNQ-DEA), in the Federal District Court of the District of New Jersey. On March 6, 2023, the court entered an order permanently enjoining Rivero, by consent, from future violations of Sections 17(a)(1) and 17(a)(2) of the Securities Act of 1933 [15 U.S.C. § 77q(a)(1), (2)]; Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5]; and Sections 206(1) and (2) of the Investment Advisers Act of 1940 [15 U.S.C. §§ 80b-6(1) and 80b-6(2)].

4. The Commission's complaint alleged that between at least July 2018 and November 2020, Rivero convinced at least five of his clients and customers to transfer funds from their accounts to entities with which Rivero was associated. Rivero falsely told his victims that the purpose of these fund transfers was so that he could make various investments on their behalf. However, Rivero misappropriated approximately \$680,000 from the entities that received the investor funds which he never disclosed to his clients and customers.

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 Rivero 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