

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 6343 / July 11, 2023

ADMINISTRATIVE PROCEEDING
File No. 3-21525

In the Matter of

VANIA MAY BELL,

Respondent.

CORRECTED
ORDER INSTITUTING
ADMINISTRATIVE PROCEEDINGS
PURSUANT TO 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 203(f) of the Investment Advisers Act of 1940 (the “Advisers Act”) against Vania May Bell (“Bell” or “Respondent”).

II.

After an investigation, the Division of Enforcement alleges that:

A. RESPONDENT

1. Respondent, age 58, is currently incarcerated and previously was a resident of Montvale, New Jersey. Respondent worked in the former New York-registered investment adviser, Executive Compensation Planners, Inc. (“ECP”), for approximately 24 years, from 1993 through March 9, 2018. During that time, Bell handled ECP’s financial and administrative duties and her position titles have included “comptroller” and “compliance specialist.”

B. ENTRY OF THE INJUNCTION AND RESPONDENT’S CRIMINAL CONVICTION

2. On April 18, 2023, a final judgment was entered by consent against Respondent, permanently enjoining her from future violations of Section 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) and Rule 10b-5 thereunder, Section 17(a) of the Securities Act of 1933 (“Securities Act”), and Sections 206(1) and 206(2) of the Advisers Act, in the civil action entitled *Securities and Exchange Commission v. Vania May Bell*, 7:18-CV-11668-VB (S.D.N.Y.).

3. The Commission’s complaint alleged that Respondent, along with her father, Hector May (“May”),¹ the President and Chief Compliance Officer of ECP, misappropriated at least \$7.9 million from at least 15 investment advisory clients. ECP’s clients participated in certain advisory programs at the registered investment adviser Securities America Advisors, Inc. (“SAA”).² May, with Bell’s assistance, offered to buy bonds for his clients, solicited their funds for the investments, and then diverted the money for his own use. In an effort to conceal and further perpetuate the scheme, May and Bell created and sent the clients fabricated account statements reporting fictitious purchases of bonds. May and Bell also used clients’ money to make Ponzi-like payments to other clients who sought to withdraw funds.

4. On March 28, 2022, Respondent pleaded guilty to conspiracy to commit wire fraud in violation of 18 U.S.C. § 1349. On November 28, 2022, a final judgment was entered in the criminal action sentencing Respondent to 80 months of imprisonment followed by three years of supervised release. Respondent was also ordered to pay, jointly and severally with May, restitution in the amount of \$8,041,233.17 plus interest. She was also ordered to forfeit \$589,942 along with specific properties identified in a Consent Preliminary Order of Forfeiture, dated October 11, 2022.

5. The conspiracy to commit wire fraud count in the Indictment to which Respondent pleaded guilty alleged, *inter alia*, that Respondent and May conspired to perpetrate a scheme to defraud ECP clients (the “Victims”) by inducing them to turn over funds under the false pretense that May was going to use the money to purchase bonds or other investments on their behalf. According

¹ On December 14, 2018, the Commission filed a civil injunctive action against May. *Securities and Exchange Commission v. Hector May*, 7:18-cv-11668-VB (S.D.N.Y.) (Dec. 14, 2018). On December 27, 2018, a judgment was entered by consent against May that, among other things, permanently enjoined him from future violations of Section 10(b) of the Exchange Act and Rule 10b-5 thereunder, Section 17(a) of the Securities Act, and Sections 206(1) and 206(2) of the Advisers Act. Following the issuance of the injunction, the Commission instituted settled administrative proceedings against May on February 14, 2019. *Hector May*, Advisers Act Release No. 5112, 2019 WL 626077 (Feb. 14, 2019).

² On June 30, 2021, the Commission instituted settled administrative and cease-and-desist proceedings against SAA for violations of Section 206(4) of the Advisers Act and Rule 206(4)-7 thereunder. *Securities America Advisors, Inc.*, Advisers Act Release No. 5762, 2021 WL 2725802 (Jun. 30, 2021).

to the allegations in the Indictment, upon receiving the Victims' money, Bell and May did not invest it as represented, but rather used the money to pay for their own personal and business expenses and to make payments to certain victims in order to perpetuate and conceal the fraud. With the assistance of Bell, May advised the Victims to withdraw their money from their brokerage accounts and send the money to the ECP custodial bank account. After the Victims sent the money to the ECP custodial bank account, May did not use it to purchase bonds, but Bell and May spent the money on business expenses, personal expenses and to make payments to certain Victims in order to perpetuate the scheme and conceal the fraud. Bell and May also created phony "consolidated" account statements that they issued through ECP and sent to the Victims. May provided Bell with bond names and false interest earnings, and Bell created ECP computerized account statements and distributed them to the Victims.

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; and

B. 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 before the Commission 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 by further order of the Commission, pursuant to 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(b) of the Commission's Rules of Practice, 17 C.F.R. § 201.220(b).

IT IS FURTHER ORDERED that the Division of Enforcement and Respondent shall conduct a prehearing conference pursuant to Rule 221 of the Commission's Rules of Practice, 17 C.F.R. § 201.221, within fourteen (14) days of service of the Answer. The parties may meet in person or participate by telephone or other remote means; following the conference, they shall file a statement with the Office of the Secretary advising the Commission of any agreements reached at said conference. If a prehearing conference was not held, a statement shall be filed with the Office of the Secretary advising the Commission of that fact and of the efforts made to meet and confer.

If Respondent fails to file the directed Answer, or fails to appear at a hearing or conference 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 by any means permitted by the Commission's Rules of Practice.

The Commission finds that it would serve the interests of justice and not result in prejudice to any party to provide, pursuant to Rule 100(c) of the Commission's Rules of Practice, 17 C.F.R. § 201.100(c), that notwithstanding any contrary reference in the Rules of Practice to service of paper copies, service to the Division of Enforcement of all opinions, orders, and decisions described in Rule 141, 17 C.F.R. § 201.141, and all papers described in Rule 150(a), 17 C.F.R. § 201.150(a), in these proceedings shall be by email to the attorneys who enter an appearance on behalf of the Division, and not by paper service.

Attention is called to Rule 151(a), (b) and (c) of the Commission's Rules of Practice, 17 C.F.R. § 201.151(a), (b) and (c), providing that when, as here, a proceeding is set before the Commission, all papers (including those listed in the following paragraph) shall be filed electronically in administrative proceedings using the Commission's Electronic Filings in Administrative Proceedings (eFAP) system access through the Commission's website, www.sec.gov, at <http://www.sec.gov/eFAP>. Respondent also must serve and accept service of documents electronically. All motions, objections, or applications will be decided by the Commission.

The Commission finds that it would serve the interests of justice and not result in prejudice to any party to provide, pursuant to Rule 100(c) of the Commission's Rules of Practice, 17 C.F.R. § 201.100(c), that notwithstanding any contrary reference in the Rules of Practice to filing with or disposition by a hearing officer, all filings, including those under Rules 210, 221, 222, 230, 231, 232, 233, and 250 of the Commission's Rules of Practice, 17 C.F.R. §§ 201.210, 221, 222, 230, 231, 232, 233, and 250, shall be directed to and, as appropriate, decided by the Commission. This proceeding shall be deemed to be one under the 75-day timeframe specified in Rule of Practice 360(a)(2)(i), 17 C.F.R. § 201.360(a)(2)(i), for the purposes of applying Rules of Practice 233 and 250, 17 C.F.R. §§ 201.233 and 250.

The Commission finds that it would serve the interests of justice and not result in prejudice to any party to provide, pursuant to Rule 100(c) of the Commission's Rules of Practice, 17 C.F.R. § 201.100(c), that the Commission shall issue a decision on the basis of the record in this proceeding, which shall consist of the items listed at Rule 350(a) of the Commission's Rules of Practice, 17 C.F.R. § 201.350(a), and any other document or item filed with the Office of the Secretary and accepted into the record by the Commission. The provisions of Rule 351 of the Commission's Rules of Practice, 17 C.F.R. § 201.351, relating to preparation and certification of a record index by the Office of the Secretary or the hearing officer are not applicable to this proceeding.

The Commission will issue a final order resolving the proceeding after one of the following: (A) The completion of post-hearing briefing in a proceeding where the public hearing has been completed; (B) The completion of briefing on a motion for a ruling on the pleadings or a motion for

summary disposition pursuant to Rule 250 of the Commission's Rules of Practice, 17 C.F.R. § 201.250, where the Commission has determined that no public hearing is necessary; or (C) The determination that a party is deemed to be in default under Rule 155 of the Commission's Rules of Practice, 17 C.F.R. § 201.155, and no public hearing is necessary.

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.

For the Commission, by its Secretary, pursuant to delegated authority.

Vanessa A. Countryman
Secretary