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1	Matthew Rossi
2	34 Nutmeg Lane, Fairfield CT 06824
3	In Pro Per SEP 2 4 2019
4	OFFICE OF THE SECRETARY
5	UNITED STATES OF AMERICA
6	Before the SECURITIES AND EXCHANGE COMMISSION Washington, D.C. 20549
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8	Administrative Proceeding File No. 3-19145
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10	SEPTEMBER 23, 2019
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12	In the matter of: POST HEARING BRIEF
13	Matthew Rossi and)
14	SJL Capital LLC,
15	in Pro Per
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PRELIMINARY STATEMENT

Matthew Rossi & SJL Capital LLC's have an inability to pay disgorgement and or penalties based on the financial condition as presented during hearing dated August 21, 2019.

Merriam Webster defines Inability as; "lack of sufficient power, resources, or capacity". That definition describes the financial condition as presented in the hearing not just now but has been the case for the majority of my Mr. Rossi's life and as presented for the foreseeable future based on the financial details of all the exhibits presented. Lack of capacity or in this issue financial capacity is present and at risk in the foreseeable future as well. Financial capacity is an important instrumental activity of daily life that comprises those abilities needed for an individual independently to manage financial affairs in a manner consistent with interest and values. The lack of financial capacity in this situation is there and has been identified and verified by third party credit reporting agencies.

Therefore based on the facts of the financial condition of Mr. Rossi as well as the facts that; there is negative net worth of **1000**, total liabilities of (\$125,165), Assets of less than **1000**, Credit Card debt of **1000** with available credit of (\$17,350) giving Mr. Rossi negative Net Worth on Credit Card debt of over **1000** or, 35% over utilization of Credit Card debt, has 3 children that are still dependent on Mr. Rossi solely without a spouse or significant other, 2 children still in college, has no prior securities violations, voluntarily resigned from being a registered investment advisor, has been barred from the securities industry, of the \$22,000 in fees earned by Mr. Rossi none was spent on extravagant purchases and Mr. Rossi expresses sincere & genuine remorse, Mr. Rossi and SJL asks this court to grant no disgorgement and no civil penalties.

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STATEMENT OF FACTS

Mr. Rossi has (\$125,165) of total liabilities.

\$33,567 was borrowed from his Father from January 2017 to May 2019 as loans payable back to his Father. \$8,000 was paid back to his father of the course of 13 months. In the Parties Joint Exhibits, section 15, pages 1 thru 13 show amounts borrowed and amounts paid back of the loans. In the Supplemental exhibits Mr. Rossi filed and discussed in the August 21, 2019 hearing Exhibit 5, page 1 has a summary of Loans versus gifts from his Father with a distinction of Loans versus Gifts showing a total debt of **Exhibits** as supplied in Form D-A in the Joint Exhibits list Section 9 by Mr. Rossi

Exhibits, section 16, all pages show the \$100 repayment to Ms. Kmec as repayment of the loan.

due to Chase Auto for a 2017 Hyundai in the Joint Exhibits list, section 19. The Hyundai as a value of 15,230 as presented in the Supplemental List Exhibit 3. Mr. Rossi does not own the vehicle until the title is transferred to him. Since the bank owns the vehicle there is no value to Mr. Rossi for the SUV.

\$11,595 of debt to Nationwide Life Insurance. Joint Exhibit section 20, shows loans payable to Nationwide. \$50 per month is paid every month to Nationwide. Joint Exhibit 32, USAA Savings bank Statements, First Statement Dated April 5, 2019 to May 7, 2019 on 04/25 (Page 4) shows the \$50 payment.

Rossi (dependent of Mr. Rossi).

\$5.054.50 from prior balance that Mr. Rossi has not been able to pay plus **Exercise** of Future balance due from Spring 2019 semester. These are debts from past semesters and do not reflect any future Fall 2019 and or Spring 2019 debt that will come due.

Summer 2019 Semester and the for Fall 2019 Semester.

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in credit card debt. Joint Exhibits List; 22,23,24,25,26,27 & 28. From the Joint Exhibit list, Exhibits 25 for Citibank has debt that has not allowable credit since at the statement states "You are in a payment program" since Mr. Rossi did not have the ability to pay the debt. Mr. Rossi owes Taxes to the Town of Fairfield & the State of Connecticut. Motor Vehicle Taxes of **Sec.**, Joint Exhibit List, Exhibit 29, shows the State of Connecticut Motor Vehicle Tax for 2019 while Joint Exhibit List, Exhibit 31, shows Sewer Tax debt of Mr. Rossi has tried several times to make additional income to create the ability to pay without success. Mr. Rossi entered into an agreement with HS Dragon, Supplemental Exhibit, Exhibit 4 shows Mr. Rossi trying to create more income. Mr. Rossi also tried to create income from playing online . Mr. Rossi stopped in April 2019 after not succeeding. Mr. Rossi has made nominal amounts of Gross Income. Joint Exhibit List, Exhibits 11, 12, & 13, 2016, 2017 & 2018 Federal Tax returns shows Mr. Rossi's Gross income at & respectively. MATTHEW ROSSI & SJL CAPITAL LLC Post Hearing Brief - September 23, 2019 - 5

I.

ARGUMENT

THE COURT SHOULD ENTER AN ORDER FOR NO DISGORGEMENT AND NO CIVIL PENALTIES TO MR. ROSSI AND SJL CAPITAL.

In accordance with Rule 630, 17 C.F.R § 201.630, in support of Mr. Rossi's inability to pay defense, Mr. Rossi submitted (1) his form F-A; (2) 2016 to 2018 Federal Tax Returns (3) Bank account statements, (4) Credit Card statements, (5) College tuition statements, (6) Tax and Sewer statements (7) Debt Schedules on personal loans. The fees earned by Mr. Rossi were not spent quickly and without restraint. Mr. Rossi did not attempt to conceal the money he received and or engage in frivolous spending. Mr. Rossi paid back loans, school items, living items & paid utility bills with fees earned. Although Mr. Rossi is currently employed, as a father of 3 and the sole provider of all 3 of his children with no spouse or significant other to help, he is struggling to make ends meet. Mr. Rossi has had declining employment for the last 10 years in terms of title and work and being over the age of 50 will have a difficult time securing additional employment into the future thereby bringing pessimism regarding his future finances. Mr. Rossi has (1) no real estate assets (2) no savings accounts, (3) no stocks, (4) no bonds, (5) no retirement savings, and (6) no 401k or pensions. Mr. Rossi's future financial condition showing over of liabilities is not, in the foreseeable future, going to get better given the responsibilities he has as a single parent fully responsible for all 3 of his kids and is argued that it will continue to get worse and the amount of liabilities Mr. Rossi has will most likely grow larger. Mr. Rossi has tried several times to make additional income in order to lower his liabilities without success. That type of initiative to lower his debt speaks to Mr. Rossi's character to take accountability for the debt and although he has not been successful he keeps trying to make things right financially. Mr. Rossi has not committed any prior violations, has voluntarily resigned from registration, has been barred in the securities industry, and has shown genuine remorse for his actions. In prior case history Scott M. Stephen, IDR # 888, File No. 3-16312, September 25, 2015 the court

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noted smaller disgorgement and no civil penalties. Mr. Stephen's disgorgement was over 4 times larger than Mr. Rossi's and the court ruled for on half of the disgorgement and no civil penalties.

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1	<u>CONCLUSION</u>
2	Mr. Rossi and SJL Capital therefore respectfully ask that this court enter an order of no disgorgement
3	and no civil penalties based on Mr. Rossi's inability to pay.
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16	Dated September 23, 2019 Respectfully Submitted,
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20	By: Matthew Rossi
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1	PROOF OF SERVICE STATE OF CONNECTICUT
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3	I certify that I am over the age of 18 and not a party to the within action; my home address is:
4	I certify that on 23 rd September, 2019 service of copy of the above document in this matter on all
5	counsel and parties of record at their last known address via first class or overnight mail by depositing the document at Postal Service with overnight delivery postage fully paid :
7	Secretary of State
8	Securities & Exchange Commission
9	100 F. St. N.E. Washington DC 20549
10	BY MAIL : I am "readily familiar" with the firm's practice of collection and processing
11	correspondence for mailing. Under that practice it would deposited with U.S. Postal Service
12	on that same day with postage thereon fully prepaid in Fairfield CT in the ordinary course of business. I am aware that on motion of party served, service is presumed
13	invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.
14	
15	X BY OVERNIGHT DELIVERY: I served such envelope or package to be delivered on the same day to an authorized courier or driver authorized by the express service carrier to
16	receive documents, in an envelope or package designated by the express service carrier.
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18	I declare under penalty of perjury under the laws of the State of Connecticut that the above is true
19	and correct.
20	Executed on September 23, 2019 at Fairfield, Connecticut.
21	Samantha Rossi
22	Senatry Rossi
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