

**UNITED STATES OF AMERICA**  
**Before the**  
**SECURITIES AND EXCHANGE COMMISSION**

**INVESTMENT ADVISERS ACT OF 1940**  
**Release No. 2621 / July 25, 2007**

**ADMINISTRATIVE PROCEEDING**  
**File No. 3-12709**

**In the Matter of**

**VINCENT MONTAGNA,**

**Respondent.**

**ORDER INSTITUTING  
ADMINISTRATIVE PROCEEDINGS  
PURSUANT TO 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 203(f) of the Investment Advisers Act of 1940 (“Advisers Act”) against Vincent Montagna (“Montagna” 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 and without admitting or denying the findings herein, except as to the Commission’s jurisdiction over him and the subject matter of these proceedings, and the findings contained in Section III.B below, which are admitted, Respondent consents to the entry of this Order Instituting Administrative Proceedings Pursuant to 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:

A. Since 1997, Montagna has been president and chief executive officer of Quantus Holdings Company Inc. ("Quantus"), an entity through which he managed Tiburon Asset Management LLC ("Tiburon Asset"), a purported domestic hedge fund. Since 2000, Montagna has also been president and chief executive officer of Tiburon Investment Management, Ltd. ("Tiburon Management"), an entity through which he managed Tiburon Partners, Ltd. ("Tiburon Partners"), a purported offshore hedge fund. Montagna, age 34, is a resident of Pennsylvania. From at least October 2000 through February 2004, acting through Quantus and Tiburon Management, Montagna was acting as an investment adviser as defined by Section 202(a)(11) of the Advisers Act, 15 United States Code Section 80b-2(a)(11).

B. On February 9, 2007, Montagna pleaded guilty to one count of wire fraud in violation of Title 18 United States Code Sections 1343 and 2 before the United States District Court for the Southern District of New York, in United States v. Vincent Montagna, Crim. Indictment No. 1:05-CR-0457.<sup>1</sup>

C. The count of the criminal indictment to which Montagna pleaded guilty alleged, inter alia, that, while acting as an investment adviser, Montagna caused a wire transfer to occur on January 22, 2003, for the purpose of executing a scheme and artifice to defraud, which scheme and artifice involved Montagna's failure to disclose to investors in Tiburon Asset and Tiburon Partners side agreements into which he entered with certain companies in which Tiburon Asset and Tiburon Partners had invested, and pursuant to which these companies either issued stock to him or for his benefit or paid for certain of his personal expenses.

### IV.

In view of the foregoing, the Commission deems it appropriate and in the public interest to impose the sanction agreed to in Respondent Montagna's Offer.

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<sup>1</sup> On September 22, 2006, the Commission issued an Order Instituting Administrative Proceedings Pursuant to Section 203(f) of the Investment Advisers Act of 1940, Making Findings and Imposing Remedial Sanctions against Montagna, Vincent Montagna, Advisers Act Release No. 2551 (Sept. 22, 2006). That proceeding was based on a guilty plea by Montagna that was subsequently withdrawn. By separate order issued today in that proceeding (Administrative Proceeding File No. 3-12424), the Commission has vacated the Order Instituting Administrative Proceedings Pursuant to Section 203(f) of the Investment Advisers Act of 1940, Making Findings and Imposing Remedial Sanctions against Montagna issued on September 22, 2006.

Accordingly, it is hereby ORDERED:

Pursuant to Section 203(f) of the Advisers Act, that Respondent Montagna be, and hereby is, barred from association with any investment adviser.

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, the satisfaction of any or all of the following: (a) any disgorgement ordered against the Respondent, whether or not the Commission has fully or partially waived payment of such disgorgement; (b) any arbitration award related to the conduct that served as the basis for the Commission order; (c) 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 (d) 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.

Nancy M. Morris  
Secretary