

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

**SECURITIES EXCHANGE ACT OF 1934**  
**Release No. 76280 / October 27, 2015**

**INVESTMENT ADVISERS ACT OF 1940**  
**Release No. 4245 / October 27, 2015**

**ADMINISTRATIVE PROCEEDING**  
**File No. 3-16929**

**In the Matter of**

**JOHN D'AURIA,**

**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 John D’Auria (“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 Section III 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 (“Order”), as set forth below.

### III.

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

1. From March 2009 through December 2011, D'Auria was a registered representative of Harvest Capital LLC, a broker-dealer registered with the Commission. From June 2009 through December 2011, D'Auria was an associated person of state-registered investment adviser Harvest Capital Advisors, LLC. From December 2011 through 2014, D'Auria acted as an unregistered investment adviser. D'Auria was previously a registered representative with MML Investors Services, Inc. from January 2008 through December 2008, and Ameriprise Financial Services, Inc. from June 2006 through December 2007. D'Auria is a resident of East Haven, Connecticut.

2. On July 13, 2015, D'Auria pled guilty to one count of wire fraud in violation of Title 18 United States Code, Section 1343 before the United States District Court for the District of Connecticut, in United States v. John D'Auria, Case No. 3:15-cr-00121-MPS. On July 13, 2015, the U.S. District Court Judge accepted D'Auria's guilty plea.

3. In connection with that plea, Respondent admitted that:

- (a) In or about 2011, D'Auria ceased to be associated with a registered investment adviser;
- (b) Beginning in or about 2010 and continuing to in or about 2014, D'Auria engaged in a scheme to defraud investors who had provided him with investment funds by failing to invest the funds as represented and by using the majority of the investment funds for his personal use;
- (c) D'Auria provided some investors with false valuation numbers and false documentation that fraudulently suggested that the investors' investments had greatly appreciated in value, while D'Auria knew this information was false without disclosing this fact to his investors; and
- (d) As a result of D'Auria's fraudulent scheme, D'Auria defrauded approximately nine investors of approximately \$2.4 million.

### IV.

In view of the foregoing, the Commission deems it appropriate and in the public interest to impose the sanctions agreed to in Respondent D'Auria'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 D'Auria 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 D'Auria 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, 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.

Brent J. Fields  
Secretary