

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

**SECURITIES EXCHANGE ACT OF 1934**  
**Release No. 77851 / May 18, 2016**

**ADMINISTRATIVE PROCEEDING**  
**File No. 3-17131**

**In the Matter of**

**MARK A. LOPEZ,**

**Respondent.**

**ORDER MAKING FINDINGS AND  
IMPOSING REMEDIAL SANCTIONS  
PURSUANT TO SECTION 15(b) OF THE  
SECURITIES EXCHANGE ACT OF 1934**

**I.**

On February 24, 2016, the Securities and Exchange Commission (“Commission”) deemed it appropriate and in the public interest that public administrative proceedings be instituted pursuant to Section 15(b) of the Securities Exchange Act of 1934 (“Exchange Act”) against Mark A. Lopez (“Lopez” or “Respondent”).

**II.**

Respondent has submitted an Offer of Settlement (“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 Sections III.2 and 4 below, and consents to the entry of this Order Making Findings and Imposing Remedial Sanctions Pursuant to Section 15(b) of the Securities Exchange Act of 1934 (“Order”), as set forth below.

**III.**

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

1. From September 2004 through June 2012, Lopez was the Chief Executive Officer of Unico, Inc., an Arizona corporation with its headquarters in San Diego, California, which was in the mining business. During the period when the alleged misconduct occurred, Lopez was associated with Ashton Capital Management, Inc., a now-defunct registered broker-dealer, and, during that time he also held Series 7, 24, 63 and 65 licenses from FINRA.

2. On February 10, 2015, in the civil action entitled Securities and Exchange Commission v. Mark A. Lefkowitz, et al., Civil Action Number 8:12-CV-1210 (M.D. Fla.), a final judgment was entered by consent against Lopez, permanently enjoining him from violating Sections 5(a) and 5(c) of the Securities Act of 1933 (“Securities Act”) and from aiding and abetting violations of Exchange Act Section 13(a) and Rules 12b-20, 13a-1, and 13a-11 thereunder, and permanently barring him from participating in any offering of penny stock.

3. The Commission’s complaint alleged that, from February 2006 through January 2008, on thirty five (35) separate occasions, Lopez was a necessary participant and substantial factor in the unregistered distribution of Unico common stock, which purported to, but, did not qualify for the exemption from registration contained in Securities Act Section 3(a)(10). The complaint alleged that, through these unregistered issuances, Unico extinguished approximately \$4 million of outstanding debts, and raised capital of approximately \$9.2 million. The Commission’s complaint also alleged that Lopez aided and abetted (i) Unico’s failure to file timely reports with the Commission and (ii) Unico’s filing of false and misleading disclosures with the Commission concerning, among other things, the unregistered issuance of shares of Unico common stock.

4. On February 27, 2015, Lopez pled guilty to one count of conspiring to commit securities fraud in violation of 18 U.S.C. § 1349, in the related criminal action entitled United States v. Mark Anthony Lopez, 12-cr-5236 (S.D. Cal.). In support of his guilty plea, Lopez admitted that, beginning in or about December 2006, he agreed with a co-conspirator and others to execute a scheme to defraud Unico’s shareholders and others by deceptively using the Securities Act Section 3(a)(10) exemption from registration in order to issue and then sell on the open market, new shares of Unico common stock, and to “split the proceeds” between Unico and the co-conspirator and others. Pursuant to that agreement, on or about December 7, 2006, Lopez executed settlement documents on Unico’s behalf, in which a lawsuit relating to a \$500,000 debenture was settled for 350 million shares of Unico common stock, worth approximately \$2,670,500. The court was not told the market value of the shares or that Unico would be paid a portion of the stock sales proceeds. Unico received over \$1,067,000 in proceeds pursuant to the agreement between December 29, 2006 and May 11, 2007. On or about July 16, 2007, Lopez also signed and filed with the Commission on Unico’s behalf a Form 10-QSB, which falsely represented that \$68,000 of the proceeds represented an “adjustment in the stock price subsequent to the court-ordered settlement,” instead of truthfully explaining that these funds were payment pursuant to the prior agreement to share proceeds.

5. On August 21, 2015, the criminal court entered judgment against Lopez. He was sentenced to a prison term of twenty-four months, to be followed by five years of supervised released; payment of a criminal fine was waived. On December 7, 2015, the criminal court ordered Lopez to pay restitution to victims in the amount of \$835,536.69. Pursuant to the Court’s order, Lopez was made jointly and severally liable for the \$835,536.69 with co-conspirator

Mark A. Lefkowitz (“Lefkowitz”), who was ordered on November 20, 2015, to pay restitution in the same amount, for the same victim losses, in United States v. Mark A. Lefkowitz, 12-cr-4714 (S.D. Cal.). Lopez has filed a notice of appeal with respect to the restitution order.

#### IV.

In view of the foregoing, the Commission deems it appropriate 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, that Respondent be, and hereby is barred from association with any broker, dealer, investment adviser, municipal securities dealer, or transfer agent.

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.

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

Brent J. Fields  
Secretary