UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 4556 / October 19, 2016

ADMINISTRATIVE PROCEEDING
File No. 3-17634

In the Matter of **MARK J. AUBRY,** **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 Mark J. Aubry ("Aubry" 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, Respondent admits the Commission's jurisdiction over him and the subject matter of these proceedings, and the findings contained in Sections III.2. and III.4. below, and 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:

1. From January 1, 2004 through December 31, 2013, Aubry was the President of Aubry Financial Group, LLC ("AFG"), an investment adviser registered with the state of Illinois from 2005 through 2013. From May 2001 through December 2004, Aubry was a registered representative associated with broker-dealers registered with the Commission. Aubry, 43 years old, is a resident of Lexington, Kentucky.

2. On December 18, 2015, Aubry pled guilty to one count of felony theft in violation of 720 ILCS 5/16-1(a)(1)(C) in the Circuit Court of the Eleventh Judicial Circuit in the State of Illinois, in The People of the State of Illinois v. Mark Aubry, No. 14-CF-787. On December 18, 2015, a judgment in the criminal case was entered against Aubry. He was sentenced to twenty-four months of probation and thirty hours of community service, and ordered to make restitution in the amount of $50,000. Aubry paid the restitution in full on December 18, 2015.

3. The bill of indictment to which Aubry pled guilty alleged, inter alia, that Aubry knowingly obtained or exerted unauthorized control over property having value in excess of $10,000, and used the property knowing such use probably would deprive the owner, his investment advisory client, permanently of such use or benefit.

4. On December 31, 2015, the Illinois Secretary of State, Securities Department entered a Consent Order ("Illinois Order") in an administrative action entitled In the Matter of: Mark J. Aubry (CRD #4396523) and Aubry Financial Group, LLC, File No. 1200042. The Illinois Order barred Aubry from selling or offering to sell securities in the State of Illinois or from offering investment advice in Illinois.

5. The Illinois Order found that, in December 2011, Aubry solicited an advisory client to make a loan to a telecommunications company for which Aubry served as a board member. According to the Illinois Order, in December 2011 the client signed distribution request forms of $25,000 and $5,000 and loaned $30,000 to the company. The Illinois Order further found that Aubry, without informing his client, made two copies of the $25,000 distribution request form signed by the client and changed the signature dates to two separate dates in January 2012, and then submitted both copies to the trust company holding the client's assets. As a result, Aubry caused an additional $50,000 of client funds to be disbursed to the telecommunications company. Accordingly, in connection with the Illinois Order, Aubry admitted to liability for violations of Section 12.J(2) of the Illinois Securities Law of 1953, 815 ILCS 5, which prohibits any person when acting as an investment advisor, investment advisory representative or federal covered investment advisor, from directly or indirectly engaging in any transaction, practice, or course of business which operates as a fraud or deceit upon any client or prospective client.

IV.

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

Accordingly, it is hereby ORDERED pursuant to Section 203(f) of the Advisers Act that Respondent Aubry 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.

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