

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 89983 / September 24, 2020

INVESTMENT ADVISERS ACT OF 1940
Release No. 5591 / September 24, 2020

ADMINISTRATIVE PROCEEDING
File No. 3-20061

<p>In the Matter of</p> <p style="text-align:center">JAMES VINCENT MARINO,</p> <p>Respondent.</p>
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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 James Vincent Marino (“Respondent” or “Marino”).

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 paragraph III.2. 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, 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 July 2013 through November 2016, Marino was associated with Edward Jones, a broker-dealer and investment adviser dually registered with the Commission. Marino, 33 years old, is a resident of Sunrise, Florida.

2. On November 18, 2019, a judgment of conviction was entered against Marino based on his plea of no contest to one count of grand theft upon a person 65 years or older in violation of Sections 812.014(1)(a), 812.014(1)(b), and 812.0145(2)(b) of the Florida Statutes, before the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida, in *State of Florida v. James Vincent Marino*, Case Number 17007849CF10A. On the same day, Marino was sentenced to five years of probation, and was ordered to pay restitution of \$27,215.58.

3. The count of the information to which Marino pled no contest, along with other court records, alleged that between August 1, 2013 through March 1, 2014, Marino, in his capacity as an associated person of Edward Jones, financially exploited an elderly client suffering from "moderate dementia" by writing and negotiating checks made out to cash from her account totaling \$20,500 and by making charges totaling \$6,715.58 on a credit card attached to her account, without her knowledge.

IV.

In view of the foregoing, the Commission deems it appropriate and in the public interest to impose the sanctions agreed to in Respondent Marino'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 Marino 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 Marino 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, compliance with the Commission's order and payment of any or all of the following: (a) any disgorgement or civil penalties ordered by a Court against the Respondent in any action brought by the Commission; (b) any disgorgement amounts ordered against the Respondent for which the Commission waived payment; (c) any arbitration award

related to the conduct that served as the basis for the Commission order; (d) 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 (e) 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.

Vanessa A. Countryman
Secretary