

**STATE OF ILLINOIS
SECRETARY OF STATE
SECURITIES DEPARTMENT**

IN THE MATTER OF:

Mark J. Aubry (CRD #4396523),

File Number: 1200042

Aubry Financial Group, LLC

TEMPORARY ORDER OF PROHIBITION & SUSPENSION

TO THE RESPONDENTS:

Mark J. Aubry
(CRD# 4396523)
2011 Haver Hill Country Club Park
Normal, IL 61761

Aubry Financial Group, LLC
(CRD# 133362)
2011 Haver Hill Country Club Park
Normal, IL 61761

On information and belief, I, Jesse White, Secretary of State for the State of Illinois, through my designated representative, who has been fully advised in the premises by the staff of the Securities Department, Office of the Secretary of State, herein find:

1. Respondent Mark J. Aubry ("Aubry") is an individual with a last known address of 2011 Haver Hill Country Club Park, Normal, IL 61761.
2. At all relevant times, Aubry was registered with Aubry Financial Group, LLC as an investor advisory representative and has been registered in that capacity since March 2005. His CRD Number is 4396523.
3. Respondent Aubry Financial Group, LLC ("Aubry Financial Group") is a state regulated investor advisor and has been registered in Illinois since March 2005. Its CRD number is 133362. Aubry is the managing director.
4. BryGen, LLP is an Illinois Limited Liability Limited Partnership, whose last known address was 1702 Eastland Drive, Suite 202, Bloomington, Illinois 61710. BryGen, LLP was involuntarily dissolved on October 1, 2012. A&E Holdings, LLC is the general partner of BryGen, LLP.
5. A&E Holdings, LLC is an Illinois LLC. Aubry is the managing director.
6. Investor A is an Illinois resident and was an advisor client of Aubry during all relevant times.

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7. Investor A in November of 2006 placed \$600,000 dollars with Aubry to manage.
8. In the fall of 2009 Aubry recommended to Investor A that she invest in a new telecommunications company called "PosTrack" of which Aubry was the Chairman of the Board. Aubry assured Investor A that the investment was very safe and that she would receive a "big payout in 2-3 years " Investor A invested \$30,000 in PosTrack.
9. Furthermore, in December of 2011 Aubry proposed that Investor A loan money to PosTrack that would be paid within 2 weeks and double her return. Based upon this assurance Investor A agreed to loan PosTrack \$30,000. Investor A signed 2 Distribution Requests instructing Trust Company of America to wire funds to BryGen, LLP. One wire transfer was for \$25,000 and the other was for \$5,000. BryGen, LLP, controlled by Aubry, then forwarded the funds to PosTrack In February 2012, after several requests, Investor A received the executed promissory note with terms different then she was previously told.
10. Without informing Investor A, Aubry copied the \$25,000 Distribution Request form referenced above and changed the signature dates to January 9, 2012 and January 25, 2012. He submitted the 2 Distribution Requests to Trust Company of America, which in turn wired the funds to BryGen, LLP for investment in PosTrack.
11. Investor A did not learn of Aubry's actions referenced above until she received a call from Trust Company of America in the first week of February 2012 informing her of the alteration by Aubry to the Distribution Request form she had previously executed.
12. In May 2012 PosTrack informed Investor A that it could no longer stay in business.
13. In Illinois Investment advisers owe a fiduciary duty to their clients and therefore the investment adviser stands in a special relationship of trust and confidence with its clients. As a fiduciary, an investment adviser has an affirmative duty of care, loyalty, honesty, and good faith to act in the best interests of its clients.
14. The transactions detailed above constitutes the offer and sale of a security as those terms are defined in Sections 2.1, 2.5, and 2.5a of the Illinois Securities Law of 1953 [815 ILCS 5/1 *et. seq.*] (the "Act").
15. Section 12.F of the Act provides that it shall be a violation of the provisions of this Act for any person to engage in any transaction, practice or course of business in connection with the sale or purchase of securities which works or tends to work a fraud or deceit upon the purchaser or seller thereof.

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16. Section 12.I of the Act provides that it shall be a violation of the provisions of this Act for any person to employ any device, scheme or artifice to defraud in connection with the sale or purchase of any security, directly or indirectly.
17. Section 12.J(1) of the Act provides that it shall be a violation of the Act for any person when acting as an investment advisor, investment advisor representative, or federal covered investment advisor, by any means or instrumentality, directly or indirectly to employ any device, scheme or artifice to defraud any client or prospective client.
18. Section 12.J(2) of the Act provides that it shall be a violation of the Act for any person when acting as an investment advisor, investment advisor representative, or federal covered investment advisor, by any means or instrumentality, directly or indirectly to engage in any transaction, practice, or course of business which operates as a fraud or deceit upon any client or prospective client.
19. By virtue of the foregoing, Respondents violated their fiduciary duties and Sections 12.F, 12.I, 12.J(1) and 12.J(2) of the Act.
20. Section 8.E(1)(b) of the Act provides, *inter alia*, that the registration of a salesperson, investment advisor or investment adviser representative may be suspended or revoked if the Secretary of State finds that the salesperson or investment adviser representative has engaged in any unethical practice in connection with any security, the offer or sale of securities or in any fraudulent business practice.
21. Section 8.E(1)(g) of the Act provides, *inter alia*, that the registration of a salesperson, investment advisor, or investment adviser representative may be suspended or revoked if the Secretary of State finds that the salesperson, investment advisor, or investment adviser representative has violated any of the provisions of this Act.
22. By virtue of the foregoing, the Respondents' registrations as an investment advisor and as an investor advisor representative in the State of Illinois is subject to suspension or revocation pursuant to Sections 8.E(1)(b), and 8.E(1)(g), of the Act
23. Section 11 F(2) of the Act provides, *inter alia*, that the Secretary of State may temporarily prohibit the offer or sale of securities by any person, and temporarily suspend the registration of a salesperson or investment adviser representative without notice and prior hearing, if the Secretary of State shall deem it necessary to prevent an imminent violation of the Act or to prevent losses to investors that will occur as a result of prior violations of the Act.
24. The entry of this **TEMPORARY ORDER SUSPENDING** the registration of Respondent Mark P. Aubry as an investor advisor representative and Respondent Aubry Financial Group, LLC as an investment advisor representative in the State of Illinois and **PROHIBITING** Respondent Mark P. Aubry and Respondent

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Aubry Financial Group, LLC from offering or selling securities in the State of Illinois, is in the public interest and for the protection of the investing public and is consistent with the purposes intended by the provisions of the Act.

25 The aforementioned findings are based upon credible evidence.

NOW THEREFORE IT IS HEREBY ORDERED THAT: pursuant to the authority granted by Section 11.F of the Act,

1. **Respondent Mark P. Aubry's registration** as an investor advisor representative and **Respondent's Aubry Financial Group, LLC's registration** as an investor advisor in the State of Illinois are **TEMPORARILY SUSPENDED** for a maximum period of ninety (90) days;
2. **Respondent Mark P. Aubry and Respondent Aubry Financial Group, LLC** are **TEMPORARILY PROHIBITED** from offering or selling securities in or from the State of Illinois for a maximum period of ninety (90) days.

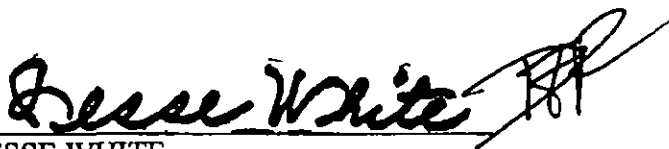
NOTICE is hereby given that the Respondents may request a hearing on this matter by transmitting such request in writing to:

Gregory J. Solberg
Enforcement Attorney
Illinois Securities Department
Office of the Secretary of State
69 West Washington Street, Suite 1220
Chicago, Illinois 60602

Such request must be made within thirty (30) calendar days of the date of entry of the Temporary Order of Prohibition and Suspension. Upon receipt of a request for hearing, a hearing will be scheduled as soon as reasonably practicable. A request for hearing will not stop the effectiveness of this Temporary Order of Prohibition and Suspension.

FAILURE OF ANY RESPONDENT TO REQUEST A HEARING WITHIN THIRTY (30) CALENDAR DAYS AFTER ENTRY OF THIS TEMPORARY ORDER OF PROHIBITION AND SUSPENSION SHALL CONSTITUTE AN ADMISSION OF ANY FACTS ALLEGED HEREIN AND SHALL CONSTITUTE SUFFICIENT BASIS TO MAKE THIS TEMPORARY ORDER OF PROHIBITION AND SUSPENSION FINAL.

Dated this 14th day of June 2013.


JESSE WHITE
Secretary of State
State of Illinois

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Attorney for the Secretary of State:

Gregory J. Solberg
Enforcement Attorney
Illinois Securities Department
Office of the Secretary of State
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