

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

IN THE MATTER OF:)	
)	
Mark J. Aubry (CRD #4396523), and)	File Number: 1200042
)	
Aubry Financial Group, LLC)	
)	

Consent Order

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

WHEREAS, Respondents on the 31st day of December 2015 executed a certain Stipulation to Enter Consent Order (the "Stipulation"), which hereby is incorporated by reference herein.

WHEREAS, by means of the Stipulation, the Respondents have admitted to the jurisdiction of the Secretary of State and service of the Amended Notice of Hearing of the Secretary of State, Securities Department, dated July 23, 2013 in this proceeding (the "Notice") and Respondent have consented to the entry of the Consent Order.

WHEREAS, by means of the Stipulation, the Respondents, admitting the truth thereof, acknowledge that the following allegations contained in the Amended Notice of Hearing shall be adopted as the Secretary of State's Findings of Fact:

- a. Respondent Mark J. Aubry ("Aubry") is an individual with a last known address of 2011 Haver Hill Country Club Park, Normal, IL 61761.

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- b. 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.
- c. 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.
- d. BryGen, LLLP is an Illinois Limited Liability Limited Partnership, whose last known address was 1702 Eastland Drive, Suite 202, Bloomington, Illinois 61710. BryGen, LLLP was involuntarily dissolved on October 1, 2012. A&E Holdings, LLC is the general partner of BryGen, LLLP.
- e. A&E Holdings, LLC is an Illinois LLC. Aubry is the managing director.
- f. Investor A is an Illinois resident and was an advisor client of Aubry during all relevant times.
- g. Investor A in December of 2006 placed approximately \$550,000 dollars with Aubry to manage.
- h. In the fall of 2009 Aubry recommended to Investor A that she invest in a new telecommunications company called “PosTrack” of which Aubry and some of his advisor clients were investors. This was disclosed to Investor A. At this time Aubry was also a board member of PosTrack but did not receive any compensation from PosTrack. Investor A invested \$30,000 in PosTrack.
- i. In December of 2011 informed Investor A that PosTrack was awaiting a \$2 million investment from an investor group. Aubry then proposed that Investor A loan money to PosTrack that would be paid within 30 days and double her return. Based upon this assurance Investor A agreed to loan PosTrack \$30,000. In December 2011 Investor A signed 2 Distribution Requests instructing Trust Company of America to wire funds to BryGen, LLLP. One Distribution Request was for \$25,000 and the other was for \$5,000. BryGen, LLLP, controlled by Aubry, then forwarded the funds to PosTrack. In February 2012, after several requests, Investor A received the executed promissory note but never received back her investment.

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- j. 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 in the amount of \$50,000 to BryGen, LLLP for investment in PosTrack.
- k. 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 alterations to the Distribution Request form she had previously executed.
- l. In May 2012 PosTrack informed Investor A that it could no longer stay in business.
- m. 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.

WHEREAS, by means of the Stipulation, the Respondents, admitting the truth acknowledge, that the following shall be adopted as the Secretary of State's Conclusion of Law:

That by virtue of the foregoing, the Respondents have violated Section 12.J(2) of the Act.

WHEREAS, the Respondents acknowledge and agree that Respondents shall be **prohibited** from selling or offering to sell securities in the State of Illinois.

WHEREAS, Respondent Aubry Financial Group acknowledges and agrees that its registration as an Investment Advisor in Illinois shall be **revoked** and that it shall be **prohibited** from offering investment advice in the State of Illinois.

WHEREAS, Respondent Mark J. Aubry acknowledges and agrees that his registration as an Investment Advisor Representative in Illinois shall be **revoked** and that he shall be **prohibited** from offering investment advice in the State of Illinois.

WHEREAS, Respondents acknowledge and agree that they desire to resolve this matter absent further administrative action.

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WHEREAS, the Secretary of State, by and through his duly authorized representative, has determined that the matter related to the aforesaid formal hearing may be dismissed without further proceedings.

NOW THEREFORE IT SHALL BE AND IS HEREBY ORDERED:

1. That Respondent Aubry Financial Group, LLC and Respondent Mark J. Aubry shall each be **prohibited** from selling or offering to sell securities in the State of Illinois.
2. That the registration of Respondent Aubry Financial Group, LLC as an Investment Advisor in Illinois shall be **revoked** and it shall be **prohibited** from offering investment advice in the State of Illinois.
3. That the registration of Respondent Mark J. Aubry as an Investment Advisor Representative in Illinois shall be **revoked** and that he shall be **prohibited** from offering investment advice in the State of Illinois.
4. That the formal hearing in this matter is dismissed without further proceeding.

DATED: This 31st day of December 2015



JESSE WHITE
Secretary of State
State of Illinois

Attorney for the Secretary of State:
Gregory J. Solberg
Office of the Secretary of State
Illinois Securities Department
69 West Washington Street, Suite 1220
Chicago, Illinois 60602
Telephone: (312) 793-9643