

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 84715 / December 3, 2018

INVESTMENT ADVISERS ACT OF 1940
Release No. 5071 / December 3, 2018

ADMINISTRATIVE PROCEEDING
File No. 3-18911

In the Matter of

JOHN C. MACCOLL

Respondent.

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 John C. Maccoll (“Respondent” or “Maccoll”).

II.

In anticipation of the institution of these proceedings, Respondent Maccoll 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 Maccoll 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. John C. Maccoll, age 65, resides in Rochester Hills, Michigan. Between January 2006 and his termination on March 15, 2018, Maccoll worked as a registered representative in the Birmingham, Michigan branch office of a large, nationwide broker-dealer and investment adviser dually registered with the Commission (“Broker A”). Maccoll has worked for registered broker-dealers since July 1977 and during the relevant time period, he held Series 5, 6, 7, 8, 63 and 66 securities licenses.

2. On November 28, 2018, a judgment was entered by consent against Maccoll, permanently enjoining him from future violations of Section 17(a) of the Securities Act of 1933 (“Securities Act”) and Section 10(b) of the Exchange Act and Rule 10b-5 thereunder in the civil action entitled Securities and Exchange Commission v. John C. Maccoll, Civil Action Number 2:18-cv-12473-SFC-DRG, in the United States District Court for the Eastern District of Michigan.

3. The Commission’s complaint alleged that between 2008 and March 2018, Respondent Maccoll defrauded at least 15 of his retail brokerage customers out of nearly \$4 million while working as a registered representative associated with a large, nationwide broker-dealer and investment adviser dually registered with the Commission. Respondent lied and used high pressure sales tactics to solicit certain of his retail brokerage customers to invest in what he described as a highly-sought-after, alternative, private fund investment through which they could diversify their portfolios, receive annual investment returns as high as 20% and have investment growth potential that was better than on the securities they held at Broker A. Most of the injured customers were elderly and retired and invested through their retirement accounts. Respondent Maccoll's statements to his customers were false as he did not invest the customers' money but stole it for his own personal use. To conceal his scheme, Respondent Maccoll instructed his customers not to tell others about the purported fund investment, provided some of his customers with fake account statements reflecting fictitious returns, and paid over \$400,000 in Ponzi-like payments to certain of the customers to keep the scheme alive.

IV.

In view of the foregoing, the Commission deems it appropriate, in the public interest to impose the sanctions agreed to in Respondent Maccoll’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 Maccoll 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.

Pursuant to Section 15(b)(6) of the Exchange Act, Respondent Maccoll 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, 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