



STATE OF TENNESSEE
BEFORE THE COMMISSIONER OF COMMERCE AND INSURANCE

TENNESSEE SECURITIES DIVISION)
)
Petitioner,)
)
v.)
)
ROCCO VIGNOLA)
)
Respondent.)

TSD No. 19-031

ORDER TO CEASE AND DESIST

This Order issues as the result of a Petition filed by the Securities Division of the Tennessee Department of Commerce and Insurance (“Division”). This Order is based upon the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Commissioner is responsible for the administration of the Act. The Division, pursuant to Tenn. Code Ann. § 48-1-115, is the lawful agent through which the Commissioner discharges this responsibility.

2. Rocco Vignola is a Tennessee resident, with Central Registration Depository numbers 1290755 and 5601629, who was previously registered with the Division as an investment adviser from July 2009 to September 2009. His principal place of business is located at: 1011 Berkshire Boulevard, Mount Juliet, Tennessee 37122.

3. Since September 23, 2009, the Respondent has not been registered with the Division to engage in business as an investment adviser in Tennessee.

4. However, as of the date of this Petition, the Respondent continues to advertise investment advisory services in Tennessee and solicit Tennessee clients via his website: www.humanfinancialhealth.com (“website”).

5. The Respondent has been active on the website after he was no longer registered as an investment adviser with the Division, as he copyrighted the website and/or its content in 2013; it is unclear what content is subject to the copyright.

6. Additionally, the website advertises the following services [see Exhibit A]:

- a. “Our services include but are not limited to: budgeting, insurance, investments, retirement, income tax preparation and wealth accumulation[;]”
- b. An investment tab titled “401k, 403B, 457, IRA, Roth, Annuities[;]”
- c. “There are many different types of investments. The objective is to have the proper investments like: 401K, 403B, 457, IRA, Roth, Annuities, Stocks, Bonds, Mutual Funds, Real Estate in place that will out perform [sic] inflation. Diversification is a key component to investing. Do not invest in anything you do not understand[;]”
- d. “At Human Financial Health we will help you to determine what investments are best for you. We will assess your risk tolerance and financial objectives to tailor an investment program that is appropriate for you and your family[;]”

- e. “We can assist you with your retirement at work and show you how to maximize your contribution to increase your money and reduce your tax liability. If you [sic] employer has a matching percentage, we will make certain you take advantage of that gift of free money from your employer[;]”
- f. “Areas of investing that we have helped our clients achieve success at investments: 401K, 403B, 457, IRA, Roth, Annuities, Stocks, Bonds, Mutual Funds, Real Estate and Land just to mention a few[;]” and
- g. “[W]e will make certain you have the proper investments to achieve your goal(s). We take your hard earned money very seriously and make certain you fully understand the investment you are looking to embark upon. One of our main objectives is to educate our clients so that when an investment opportunity arises they can determine if it is right for them. Our team will help you to make more intelligent decisions when it comes to your money[;]”

7. In or about April of 2019, Amber Patterson, an Investigator for the Financial Services Investigations Unit, repeatedly attempted to contact the Respondent by sending letters to two (2) different addresses associated with the Respondent and calling the number listed on the Respondent’s website; however, the letters were returned “unclaimed” and all calls immediately went to an automatic voicemail service.

II. CONCLUSIONS OF LAW

8. The Commissioner finds that the Division is authorized to bring this action based on the finding that the action is in the public interest, necessary for the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the Act pursuant to Tenn. Code Ann. § 48-1-116(a).

9. The Commissioner also determines that prior notice of this Cease and Desist Order is not in the public interest and would be detrimental to the protection of investors, which Tenn. Code Ann. § 48-1-116(e)(2) permits.

10. Additionally, the facts as stated demonstrate that the Respondent is advertising investment advisory services and soliciting Tennessee clients via his website while not registered as an investment adviser in Tennessee, which violates Tenn. Code Ann. § 48-1-109(c)(1).

11. The facts as stated, including the continuation and active status of the Respondent's website years after he was no longer registered as an investment adviser with the Division, further indicate that the Respondent is currently operating as an investment adviser in Tennessee without being registered as such in violation of Tenn. Code Ann. § 48-1-109(c)(1).

12. The Respondent's continued unlawful conduct provides grounds under Tenn. Code Ann. § 48-1-116(a) and (e) for the entry of an Order to Cease and Desist all investment advisory activities from or in Tennessee unless and until such time as the Respondent is registered pursuant to the Act.

III. ORDER

NOW, THEREFORE, in consideration of the foregoing, it is **ORDERED** that the Respondent shall:

1. **COMPLY** with the Act and all rules promulgated thereunder.
2. **CEASE AND DESIST** from any further conduct as an investment adviser from or in Tennessee until such time as he is effectively registered with the Division to engage in such activity;
3. **CEASE AND DESIST** from any further conduct as an investment adviser representative in or from Tennessee until such time as he is effectively registered with the Division to engage in such activity; and
4. Immediately **CEASE AND DESIST** from allowing any and all public access to the website: www.humanfinancialhealth.com.
5. This Order to Cease and Desist is not intended to prohibit any lawful conduct in which the Respondent might be engaged.
6. Entry of this Order to Cease and Desist shall not in any way restrict the Division or the Commissioner from taking any further action with respect to these or other possible violations of the Act or rules promulgated thereunder, including pursuing costs of the investigation and/or civil penalties if a Notice of Hearing and Charges must be pursued.

7. You are advised that you have the right to a hearing as to all matters raised in this Order to Cease and Desist. If you wish to exercise your right to a hearing, please notify:

**ELIZABETH BOWLING
ASSISTANT COMMISSIONER FOR SECURITIES
STATE OF TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE
DAVY CROCKETT TOWER, 10th FLOOR
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243**

8. Such written request must be received within thirty (30) days from the date of entry of this Order to Cease and Desist. This Order to Cease and Desist shall become a Final Order thirty (30) days from the date of its entry, unless written notification requesting a hearing is made within that thirty (30) day period.

ENTERED this 12 day of December, 2019.


Hodgen Mainda, Commissioner

APPROVED FOR ENTRY:


Elizabeth Bowling
Assistant Commissioner for Securities
Department of Commerce and Insurance


Virginia Smith (BPR # 031248)
Associate General Counsel for Securities
Department of Commerce and Insurance
500 James Robertson Parkway
Nashville, Tennessee 37243

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this Petition for an Order to Cease and Desist and Order to Cease and Desist will be served upon Rocco Vignola via regular mail and FedEx to the below enclosed addresses on the 18th day of December, 2019.

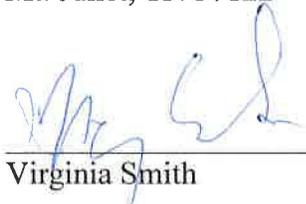
FedEx No. 8148 5625 2819

1716 Richbourg Park Drive
Brentwood, TN 37027

And

FedEx No. 8148 5625 2808

1011 Berkshire Boulevard
Mt. Juliet, TN 37122



Virginia Smith