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9
10 BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT
11 OF THE STATE OF CALIFORNIA

12	In the Matter of)	FILE NO. 144075
13	THE COMMISSIONER OF BUSINESS)	
14	OVERSIGHT,)	ORDER REVOKING INVESTMENT
15	Complainant,)	ADVISER CERTIFICATE PURSUANT TO
16	v.)	CORPORATIONS CODE SECTION 25232.3
17	ALPHA CAPITAL PARTNERS, LLC)	
18	and)	
19	MICHAEL MEDIANO)	
20	Respondents)	

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22 Jan Lynn Owen, the Commissioner of Business Oversight ("Commissioner") of the
23 Department of Business Oversight ("Department") finds:

- 24 1. The Commissioner is authorized to administer and enforce the provisions of the
25 Corporate Securities Law of 1968, Title 4, Corporations Code section 25000 et seq. ("CSL"), and the
26 regulations thereunder at California Code of Regulations, title 10, section 260.000 et seq.
- 27 2. Respondent ALPHA CAPITAL PARTNERS, LLC ("Alpha") holds a valid and
28 unrevoked investment adviser certificate issued by the Commissioner on August 1, 2008, pursuant

1 to Corporations Code section 25230.

2 3. At all relevant times, Alpha was a Delaware limited liability company with its principal
3 place of business at 300 N Continental Blvd, Suite 195, El Segundo, California 90245. At all
4 relevant times, Respondent MICHAEL MEDIANO (“Mediano”) was the sole owner of Alpha.

5 4. The Department conducted a routine, unannounced examination of Alpha on or about
6 May 24, 2010. The examination and further investigation by the Department revealed that Alpha
7 and Mediano had conducted investment advisory activities for compensation for a period of over one
8 year prior to obtaining a certificate from the Department authorizing such activities.

9 5. On July 18, 2011, the Department issued a Desist and Refrain Order, Claim for Ancillary
10 Relief, and Order Levying Administrative Penalties against Respondents for the unregistered activity
11 (“Order”).

12 6. Respondents challenged the Order at a hearing before the Office of Administrative
13 Hearings (“OAH”) on February 2, 2012.

14 7. On December 28, 2012, the Department received the Proposed Decision from the OAH
15 Administrative Law Judge (“ALJ”). The ALJ upheld the Department’s Desist and Refrain Order
16 and ordered Respondents to pay eleven thousand dollars (\$11,000) in penalties to the Department
17 within sixty (60) days of the effective date of the Commissioner’s final order.

18 8. The Commissioner adopted the ALJ’s Proposed Decision with non-substantive
19 corrections. The effective date of the Commissioner’s final order (“Commissioner’s Order”) was
20 May 11, 2013.

21 9. The Department sent a letter to Respondents at the business address of record for Alpha,
22 which was returned as undeliverable by the U.S. Postal Service. The Department then sent a letter to
23 the residential address on file for Respondent Mediano on April 12, 2013. This letter was not
24 returned by the U.S. Postal Service.

25 10. This letter enclosed the Commissioner’s Order and informed Respondents that they had
26 until May 6, 2013 to petition the Commissioner for a reconsideration. Respondents did not petition
27 the Commissioner for reconsideration.

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11. Consequently, the Commissioner’s Order became effective on May 11, 2013 and is still in effect. Pursuant to the Commissioner’s Order, Respondents were required to pay eleven thousand dollars (\$11,000) in penalties to the Department within sixty (60) days of the effective date of the Commissioner’s Order.

12. The Department did not receive the penalty payment from Respondents when due. Consequently, on July 19, 2013, the Department sent a letter to Respondents at Mediano’s residential address on record. This letter stated that penalty payments were overdue and that the Department would consider additional enforcement action against Respondents if the penalties were not paid by July 31, 2013. To date, no payments have been received by the Department.

Based upon the foregoing, the Commissioner finds that Respondents have violated a currently effective order of the Commissioner, which is necessary for the protection of investors, and that it is in the public interest to revoke the investment adviser certificate of ALPHA CAPITAL PARTNERS, LLC.

NOW THEREFORE, GOOD CAUSE APPEARING, IT IS HEREBY ORDERED, that the investment adviser license held by ALPHA CAPITAL PARTNERS, LLC is hereby revoked pursuant to Corporations Code section 25232.3. This order is effective immediately.

Dated: August 12, 2013

JAN LYNN OWEN
Commissioner of Business Oversight

By: _____
MARY ANN SMITH
Deputy Commissioner