



STATE OF CONNECTICUT
DEPARTMENT OF BANKING
260 CONSTITUTION PLAZA • HARTFORD, CT 06103-1800



Jorge L. Perez
Commissioner

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IN THE MATTER OF:

JOHN MARK DOWNING
f/k/a JOHN MARK ESEPPI
CRD NO. 1912842

ORDER IMPOSING FINE

DOCKET NO. CRF-18-8420-S

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I. PRELIMINARY STATEMENT

WHEREAS, the Banking Commissioner ("Commissioner") is charged with the administration of Chapter 672a of the General Statutes of Connecticut, the Connecticut Uniform Securities Act ("Act"), and Sections 36b-31-2 to 36b-31-33, inclusive, of the Regulations of Connecticut State Agencies ("Regulations") promulgated under the Act;

WHEREAS, the Commissioner, through the Securities and Business Investments Division of the Department of Banking ("Department"), conducted an investigation into the activities of John Mark Downing f/k/a John Mark Eseppe CRD No. 1912842 ("Respondent"), pursuant to Section 36b-26(a) of the Act, to determine if Respondent had violated, was violating or was about to violate provisions of the Act or Regulations ("Investigation");

WHEREAS, on September 13, 2018, based on the Investigation, the Commissioner, acting pursuant to subsections (a), (b) and (d) of Section 36b-27 of the 2018 Supplement to the General Statutes ("2018 Supplement"), issued an Order to Cease and Desist, Order to Make Restitution, Notice of Intent to Fine and Notice of Right to Hearing against Respondent (collectively, "Notice"), which Notice is incorporated by reference herein;

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**WHEREAS**, on September 14, 2018, the Notice was sent by certified mail, return receipt requested, to Respondent;

**WHEREAS**, on September 17, 2018, the Notice was served on the Commissioner, and on September 18, 2018, in accordance with Section 36b-33(g) of the General Statutes of Connecticut, Notice of Service on the Banking Commissioner In the Matter of: John Mark Downing f/k/a John Mark Eseppi CRD No. 1912842 dated September 18, 2018 (“Notice of Service”), was sent by certified mail, return receipt requested, to Respondent;

**WHEREAS**, Respondent has failed to request a hearing on the allegations set forth in the Notice within 14 days of the date of the Notice of Service;

**WHEREAS**, on October 17, 2018, a Certification was issued rendering the Order to Cease and Desist and Order to Make Restitution permanent as of October 3, 2018, which Certification is incorporated by reference herein;

**WHEREAS**, Section 36a-1-31(a) of the Regulations provides, in pertinent part, that:

When a party fails to request a hearing within the time specified in the notice, the allegations against the party may be deemed admitted. Without further proceedings or notice to the party, the commissioner shall issue a final decision in accordance with section 4-180 of the Connecticut General Statutes and section 36a-1-52 of the Regulations of Connecticut State Agencies, provided the commissioner may, if deemed necessary, receive evidence from the department, as part of the record, concerning the appropriateness of the amount of any . . . fine [or] restitution . . . sought in the notice.

**WHEREAS**, Section 36b-31(a) of the Act provides, in pertinent part, that “[t]he commissioner may from time to time make . . . such . . . orders as are necessary to carry out the provisions of sections 36b-2 to 36b-34, inclusive”;

**AND WHEREAS**, Section 36b-31(b) of the Act provides, in pertinent part, that “[n]o . . . order may be made . . . unless the commissioner finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of sections 36b-2 to 36b-34, inclusive.”

## II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Commissioner finds that the facts as set forth in paragraphs 7 through 14, inclusive, of the Notice, shall constitute findings of fact within the meaning of Section 4-180(c) of the General Statutes of Connecticut and Section 36a-1-52 of the Regulations, and that the Statutory Basis for Order to Cease and Desist, Order to Make Restitution and Order Imposing Fine set forth in paragraphs 15 through 18, inclusive, of the Notice shall constitute conclusions of law within the meaning of Section 4-180(c) of the General Statutes of Connecticut and Section 36a-1-52 of the Regulations.

2. The Commissioner finds that Respondent committed at least one violation of Section 36b-6(c)(1) of the Act, and at least one violation of Section 36b-5(a) of the Act.

3. The Commissioner finds that the facts require the imposition of a fine upon Respondent.

4. The Commissioner finds that the Notice complied with the requirements of Section 36b-27 of the 2018 Supplement and Section 4-177 of the General Statutes of Connecticut.

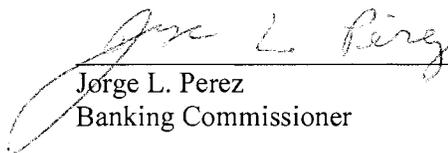
5. The Commissioner finds that the imposition of a fine upon Respondent is necessary and appropriate in the public interest and for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of Sections 36b-2 to 36b-34, inclusive, of the Act.

## III. ORDER

Having read the record, I hereby **ORDER**, pursuant to Section 36b-27(d) of the 2018 Supplement that:

1. A fine of Twenty Thousand Dollars (\$20,000) shall be imposed upon John Mark Downing f/k/a John Mark Eseppi, such fine to be remitted to the Department by cashier's check, certified check or money order, made payable to "Treasurer, State of Connecticut", no later than forty-five (45) days from the date this Order Imposing Fine is mailed; and
2. This Order Imposing Fine shall become final when mailed.

Dated at Hartford, Connecticut,  
this 16<sup>th</sup> day of November 2018.

  
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Jorge L. Perez  
Banking Commissioner

This Order was sent by certified mail,  
return receipt requested, to Respondent  
on November 16, 2018.

John Mark Downing  
f/k/a John Mark Eseppi  
39 McLaughlin Terrace  
Derby, Connecticut 06418-2126

Certified mail no. 7014 2120 0000 3701 4185

John Mark Downing  
f/k/a John Mark Eseppi  
89 Shelton Avenue  
Shelton, Connecticut 06484-6044

Certified mail no. 7014 2120 0000 3701 4192

John Mark Downing  
f/k/a John Mark Eseppi  
6 Chatfield Street  
Seymour, Connecticut 06483

Certified mail no. 7014 2120 0000 3701 4208

John Mark Downing  
f/k/a John Mark Eseppi  
P.O. Box 125  
Shelton, Connecticut 06484

Certified mail no. 7014 2120 0000 3701 4215