

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES**

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF BANKING AND :
SECURITIES, BUREAU OF SECURITIES :
LICENSING : **DOCKET No. 24** 0012 **(SEC-CAO)**
v. :
MONEY POSITIVE COOPERATIVE :
:

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking and Securities (“Department”), Bureau of Securities Licensing (“Bureau”), has conducted an investigation of the business practices of Money Positive Cooperative (“Money Positive”). Based on the results of its investigation, the Bureau has concluded that Money Positive has operated in violation of the Pennsylvania Securities Act of 1972, 70 P.S. § 1-101 *et seq.* (“1972 Act”). Money Positive, in lieu of litigation, and without admitting or denying the allegations herein, and intending to be legally bound, hereby agrees to the terms of this Consent Agreement and Order (“Order”).

BACKGROUND

1. The Department is the Commonwealth of Pennsylvania’s administrative agency authorized and empowered to administer and enforce the 1972 Act.
2. The Bureau is primarily responsible for administering and enforcing the 1972 Act for the Department.
3. Money Positive (CRD #218518) was, at all times material herein, a Texas entity with a principal place of business at 3600 Lyons Road, Suite B, Austin, Texas 78702.

4. From in or about July 17, 2015 through the present, Money Positive was registered as an investment advisor with the Texas State Securities Board.

5. From in or about November 2023 to January 2024, Money Positive transacted business in Pennsylvania as an investment advisor while neither registered nor exempt from registration.

VIOLATION

6. By engaging in the acts and conduct set forth in paragraphs 3 through 5 above, Money Positive transacted business in Pennsylvania as an investment advisor in violation of Section 301(c) of the 1972 Act, 70 P.S. §1-301(c).

RELIEF

7. Within 90 days of the Effective Date of this Order, as defined in paragraph 15, Money Positive shall pay the Department an administrative assessment in the amount of \$812.99. Payment shall be made by certified check or money order made payable to the "Department of Banking and Securities" and shall be mailed or delivered, in person, to the Bureau of Securities Licensing located at 17 North Second Street, Suite 1300, Harrisburg, Pennsylvania 17101.

8. Money Positive is ORDERED to comply with the 1972 Act, and Regulations adopted by the Department, and in particular Section 301(c) of the 1972 Act, 70 P.S. § 1-301(c).

9. Should Money Positive fail to pay the assessment as set forth in paragraph 7, above, the sanctions set forth elsewhere in the Order shall continue in full force and effect until full payment is made. However, this provision shall not be construed as affording Money Positive the option of either paying the assessment or being indefinitely subject to the sanctions.

10. Should Money Positive fail to comply with any and all provisions of this Order, the Department may impose additional sanctions and costs and seek other appropriate relief subject to Money Positive's right to a hearing pursuant to the 1972 Act.

FURTHER PROVISIONS

11. Consent. Money Positive hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Bureau's authority under the 1972 Act and agrees that it understands all of the terms and conditions contained herein. Money Positive, by voluntarily entering into this Order, waives any right to a hearing or appeal concerning the terms, conditions, and/or penalties set forth in this Order.

12. Entire Agreement. This Order contains the entire agreement between the Department and Money Positive. There are no other terms, obligations, covenants, representations, statements, conditions, or otherwise, of any kind whatsoever concerning this Order. However, this Order may be amended in writing by mutual agreement of the Department and Money Positive.

13. Binding Nature. The Department, Money Positive, and all officers, owners, directors, employees, heirs and assigns of Money Positive intend to be and are legally bound by the terms of this Order.

14. Counsel. This Order is entered into by the parties upon full opportunity for legal advice from legal counsel.

15. Effectiveness. Money Positive hereby stipulates and agrees that the Order shall become effective on the date the Bureau executes the Order ("Effective Date").

16. Other Enforcement Action.

(a) The Department reserves all of its rights, duties, and authority to enforce all statutes, rules, and regulations under its jurisdiction against Money Positive in the future regarding all matters not resolved by this Order.

(b) Money Positive acknowledges and agrees that this Order is only binding upon the Department and not any other local, state or federal agency, department, or office regarding matters within this Order.

17. Authorization. The parties below are authorized to execute this Order and legally bind their respective parties.

18. Counterparts. This Order may be executed in separate counterparts, by facsimile and/or by PDF.

19. Titles. The titles used to identify the paragraphs of this document are for the convenience of reference only and do not control the interpretation of this document.

20. Finding. The Department finds that it 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 the 1972 Act to issue this Order.

WHEREFORE, in consideration of the foregoing, including the recital paragraphs, the Commonwealth of Pennsylvania, Department of Banking and Securities, Bureau of Securities Licensing and Money Positive Cooperative, intending to be legally bound, do hereby execute this Consent Agreement and Order.

**FOR THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES
BUREAU OF SECURITIES LICENSING**

Redacted

Eric R. Pistilli, Deputy Secretary for Securities

Date: 03/19/2024



FOR MONEY POSITIVE COOPERATIVE

Redacted

(Signature)

Kelly Bethke

(Print Officer Name)

Date: 3/18/2024
