

**UNITED STATES OF AMERICA**  
**Before the**  
**SECURITIES AND EXCHANGE COMMISSION**

**SECURITIES EXCHANGE ACT OF 1934**  
**Release No. 57102 / January 4, 2008**

**INVESTMENT ADVISERS ACT OF 1940**  
**Release No. 2691 / January 4, 2008**

**ACCOUNTING AND AUDITING ENFORCEMENT**  
**Release No. 2766 / January 4, 2008**

**ADMINISTRATIVE PROCEEDING**  
**File No. 3-12924**

**In the Matter of**

**SANTO C. MAGGIO,**

**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 Santo C. Maggio (“Maggio” or “Respondent”).

**II.**

In anticipation of the institution of these proceedings, Respondent 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, and without admitting or denying the findings

herein, except as to the Commission's jurisdiction over him and the subject matter of these proceedings, and the findings contained in Section III.2. below, which are admitted, Respondent 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. Maggio, age 56, a resident of Naples, Florida, was a registered representative associated with Refco Securities, LLC, a registered broker-dealer, from May 1985 to October 2005. From 1991 to October 2005, Maggio was the President and Chief Executive Officer of Refco Securities. From May 1999 to August 2005, Maggio was a director of Forstmann-Leff Associates LLC and FLA Asset Management LLC, both of which were registered as investment advisers with the Commission. At all relevant times, Maggio held a Series 7 general securities license as well as Series 3, 4, 24, and 63 licenses. He is not currently associated with any regulated entity.

2. On December 28, 2007, a final judgment was entered by consent against Maggio, permanently enjoining him from future violations of Section 17(a) of the Securities Act of 1933 ("Securities Act"), Sections 10(b) and 13(b)(5) of the Exchange Act, and Exchange Act Rules 10b-5, 13b2-1, and 13b2-2(a) and from aiding and abetting violations of Sections 13(b)(2)(A) and 15(d) of the Exchange Act and Exchange Act Rules 15d-2 and 15d-13, in the civil action entitled United States Securities and Exchange Commission v. Santo C. Maggio, Civil Action Number 07-cv-11388, in the United States District Court for the Southern District of New York.

3. The Commission's complaint in that action alleged, among other things, that from at least 1998 to October 2005, Maggio engaged in fraudulent conduct that repeatedly concealed, at the end of Refco fiscal periods, hundreds of millions of dollars of related party receivables owed to Refco Group Ltd. or its successor entity Refco Inc. (together "Refco"). The receivables were owed to Refco by an entity controlled by Refco's Chairman and Chief Executive Officer. In addition, the complaint alleged that, in 2004 and 2005, Maggio engaged in conduct that artificially inflated Refco's results of operations. As a result of this conduct, Refco provided false and materially misleading information in registration statements and other reports it filed with the Commission and provided to investors.

### IV.

In view of the foregoing, the Commission deems it appropriate and in the public interest to impose the sanctions agreed to in Respondent Maggio'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 Maggio be, and hereby is barred from association with any broker, dealer, or investment adviser;

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.

By the Commission.

Nancy M. Morris  
Secretary