

TRAVIS J. ILES  
SECURITIES COMMISSIONER



CLINTON EDGAR  
DEPUTY SECURITIES COMMISSIONER

Mail: P.O. BOX 13167  
AUSTIN, TEXAS 78711-3167

Phone: (512) 305-8300  
Facsimile: (512) 305-8310

## *Texas State Securities Board*

208 E. 10th Street, 5th Floor  
Austin, Texas 78701-2407  
www.ssb.texas.gov

E. WALLY KINNEY  
CHAIR

MIGUEL ROMANO, JR.  
MEMBER

KENNY KONCABA  
MEMBER

ROBERT BELT  
MEMBER

MELISSA TYROCH  
MEMBER

---

IN THE MATTER OF  
PERRY ABBONIZIO

---

§  
§  
§

**Order No. ENF-22-CDO-1863**

PERRY ABBONIZIO

Service through his attorney, Toby Galloway, Winstead PC, 300 Throckmorton, Suite 1700, Fort Worth, Texas 76102, tgalloway@winstead.com.

### **AGREED ORDER**

Be it remembered that Perry Abbonizio ("Respondent Abbonizio") appeared before the Securities Commissioner of the State of Texas and, without admitting or denying the findings of fact or conclusions of law contained herein, consented to the entry of this Agreed Order and the Findings of Fact and Order contained herein.

### **FINDINGS OF FACT**

1. Respondent Abbonizio has waived (a) his right to notice and hearing in this matter, (b) his right to appear and present evidence in this matter, (c) his right to appeal this order and (d) all other procedural rights granted by The Securities Act, Tex. Gov't Code §§4001.001-4008.105 (the "**Securities Act**"), and the Administrative Procedure Act, Tex. Gov't Code Ann. §§2001.001-2001.902.

### **SERVICE OF RESPONDENTS**

2. Respondent Abbonizio is being served by certified mail, return receipt requested, addressed to his attorney Toby Galloway, Winstead PC, 300 Throckmorton, Suite 1700, Fort Worth, Texas 76102, and by electronic mail addressed to Mr. Galloway at tgalloway@winstead.com.

### **BACKGROUND**

3. On February 25, 2020, the Securities Commissioner entered Emergency Cease and Desist Order No. ENF-20-CDO-1798 (the "Emergency Order") against Respondent Abbonizio and others allegedly involved in the sale of promissory notes tied to merchant cash advance financing transactions.

4. Pursuant to Section 4007.104(c) of the Securities Act, Respondent Abbonizio requested a hearing to modify or set aside the Emergency Order. The Enforcement Division thereafter filed a Notice of Hearing with the State Office of Administrative Hearings and docketed a contested case for this matter.
5. Respondent Abbonizio now agrees to waive his right to a hearing to modify or set aside the Emergency Order and consents to dismissal of the contested case from the docket of the State Office of Administrative Hearings Docket No. 312-20-4033.

### REGISTRATION

6. Respondent Abbonizio was not registered with the Securities Commissioner as an agent at any time material hereto.
7. The promissory notes were not registered by qualification, notification or coordination at any time material hereto, and no permit was granted for their sale in Texas at any time material hereto.

### CONCLUSIONS OF LAW

1. The promissory notes are securities as the term is defined by Section 4001.068 of the Securities Act.
2. Respondent Abbonizio violated Section 4003.001 of the Securities Act by offering securities for sale and selling securities in Texas at a time when the securities were not registered with the Securities Commissioner.
3. Respondent Abbonizio violated Section 4004.101 of the Securities Act by offering securities for sale and selling securities in Texas without being registered pursuant to the provisions of Section 4004.101 of the Securities Act.
4. The foregoing Conclusions of Law constitute bases for setting aside the Emergency Order solely as it relates to Respondent Abbonizio pursuant to Section 4007.104(e) of the Securities Act and bases for replacing the Emergency Order solely as it relates to Respondent with the issuance of this Agreed Order pursuant to Section 4007.101 of the Securities Act. They also constitute bases for assessing an administrative fine against Respondent Abbonizio pursuant to Section 4007.106 of the Securities Act.

### ORDER

1. It is therefore ORDERED Respondent Abbonizio immediately CEASE AND DESIST from offering for sale any security in Texas until the security is registered with the Securities Commissioner or is offered for sale pursuant to an exemption from registration under the Securities Act.

2. It is further ORDERED Respondent Abbonizio immediately CEASE AND DESIST from acting as a securities agent in Texas until Respondent is registered with the Securities Commissioner or is acting pursuant to an exemption from registration under the Securities Act.
3. It is further ORDERED the Emergency Order is set aside solely as the Emergency Order relates to Respondent Abbonizio.
4. It is further ORDERED Respondent Abbonizio shall pay an ADMINISTRATIVE FINE in the amount of Fifty-Five Thousand Dollars (\$55,000.00). Payment shall be made by delivery of a cashier's check to the Securities Commissioner in the amount of Fifty-Five Thousand Dollars (\$55,000.00) payable to the State of Texas contemporaneously with the delivery of this Order.


SIGNED AND ENTERED by the Securities Commissioner this 23<sup>rd</sup> day of  
June, 2022.



---


TRAVIS J. ILES  
Securities Commissioner

RESPONDENT:

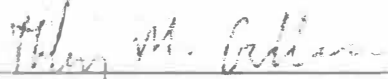
  
PERRY ABBONIZIO  
By:

Approved as to Form:


By:

  
\_\_\_\_\_  
Joseph Rotunda  
Director  
Enforcement Division

By:

  
\_\_\_\_\_  
Toby Galloway  
Attorney for Respondent  
Winstead PC  
300 Throckmorton, Suite 1700  
Fort Worth, Texas 76102

By:

  
\_\_\_\_\_  
Jeremy Heintz  
Attorney  
Enforcement Division