



## I. FINDINGS OF FACT

### A. The Respondent

1. Respondent is a broker-dealer representative with J.P. Turner & Company, LLC. (CRD #43177) located at One Buckhead Plaza, 3060 Peachtree Road NW, 11<sup>th</sup> Floor, Atlanta, Georgia 30305.

2. Respondent is an investment advisor representative with J.P. Turner & Company Capital Management, LLC (CRD #124446) located at One Buckhead Plaza, 3060 Peachtree Road NW, 11<sup>th</sup> Floor, Atlanta, Georgia 30305.

3. Respondent is registered with the Commissioner (CRD# 2154039) as a broker-dealer representative pursuant to O.C.G.A. § 10-5-30(a), and as an investment advisor representative pursuant to O.C.G.A. § 10-5-33, and is subject to the provisions of the Act and the Rules of the Commissioner of Securities adopted thereunder (the "Rules").

### B. FINRA Suspension

4. On February 24, 2015, FINRA suspended the Respondent in any capacity pursuant to Article IV, Section 3 of the FINRA by-laws and FINRA Rule 9554.

## II. CONCLUSIONS OF LAW

5. Paragraphs 1 through 4 are incorporated by reference as though fully set forth herein.

6. The Commissioner has jurisdiction over this matter pursuant to the Act. *See* O.C.G.A. §§ 10-5-70 and 10-5-71.

7. O.C.G.A. § 10-5-41(b) provides that the Commissioner may suspend and/or revoke the registration of a registrant if the Commissioner finds that it is in the public interest and the Commissioner's action is authorized by O.C.G.A. § 10-5-41(d).

8. O.C.G.A. § 10-5-41(f) provides further that the Commissioner may summarily

suspend the registration of a registrant before final determination of an administrative proceeding.

9. A person may be disciplined pursuant to O.C.G.A. § 10-5-41(b) if that person “[i]s the subject of an order, issued after notice and opportunity for hearing by . . . [t]he Securities and Exchange Commission or by a self-regulatory organization suspending or expelling the registrant from membership in the self-regulatory organization.” O.C.G.A. § 10-5-41(d)(5)(C). As a result of Respondent’s suspension from FINRA Membership, the Commissioner finds that adequate grounds exist to discipline Respondent pursuant to O.C.G.A. § 10-5-41(d)(5)(C).

10. Accordingly, pursuant to O.C.G.A. § 10-5-41, the Commissioner may summarily suspend Respondent’s registration as a broker-dealer representative and as an investment advisor representative.

### III. DECISION

**NOW THEREFORE, IT IS HEREBY ORDERED** as follows:

1. The registrations of **Homer Lowry Vining, IV** (CRD# 2154039) as a broker-dealer representative registered with the Commissioner under O.C.G.A. § 10-5-30(a) and as an investment advisor representative registered with the Commissioner under O.C.G.A. § 10-5-33 is hereby **SUSPENDED** pursuant to O.C.G.A. § 10-5-41(b) until such a time that the Respondent is reinstated as a member in good standing with FINRA.

The entry of this Order is deemed to be in the public interest, and shall not be deemed to constitute findings or conclusions relating to other persons unrelated to Respondent and shall not be deemed to be a waiver or estoppel on the part of the Commissioner from proceeding in individual actions against any person who may have violated the Act or any transactions not specifically referred to herein or not known to the Commissioner at the time this Order was

issued.

#### **IV. NOTICE AND OPPORTUNITY FOR HEARING**

Pursuant to O.C.G.A. § 10-5-41(f), Respondent is hereby notified that within thirty (30) days after receipt of a request for a hearing in a record from Respondent, this matter will be scheduled for a hearing unless otherwise agreed to by the parties. If Respondent does not request a hearing and none is ordered by the Commissioner within thirty (30) days after the date of service of this Order, this Order will become final as to Respondent by operation of law. If a hearing is requested or ordered, the Commissioner, after notice of and opportunity for hearing to Respondent, may modify or vacate this Order or extend it until final determination.

A request for a hearing may be delivered to the attention of, Charlie Jarrett, Enforcement Attorney, Office of the Secretary of State, Securities Division, Suite 820 West Tower, 2 Martin Luther King Jr. Dr. S.E., Atlanta, Georgia 30334. This request should include the following information:

- A title which indicates the nature of the proceedings;
- The complete name and address of the person or persons on whose behalf the request is filed;
- The name and address of all other persons known to have a legal interest in the proceedings;
- If the person or persons on whose behalf the request is filed are represented by counsel, the name and address of counsel;
- A clear and concise statement of the facts upon which the contested case arises;
- A prayer setting forth the relief sought; and
- A statement of the grounds upon which the person contends he is entitled to the relief sought.

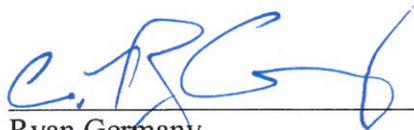
Respondent may request a prehearing conference with the Commissioner's staff pursuant

to the Commissioner's Rule 590-4-6-.12 adopted under the Act. The receipt of a request for a prehearing conference will toll, until the date scheduled for the prehearing conference, the running of the time for requesting a hearing. If a hearing is requested, the issues or matters to be addressed are set forth in this Order. The parties to this matter shall have all of the rights provided for in O.C.G.A. § 10-5-1, *et seq.* and the Rules.

**SO ORDERED** this 3rd day of March, 2015.

**BRIAN P. KEMP  
SECRETARY OF STATE  
COMMISSIONER OF SECURITIES**

By:

  
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Ryan Germany  
Assistant Securities Commissioner