

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 66318 / February 3, 2012

ADMINISTRATIVE PROCEEDING
File No. 3-14741

In the Matter of

ALAN LABINERI,

Respondent.

**ORDER INSTITUTING ADMINISTRATIVE
PROCEEDINGS PURSUANT TO SECTION
15(b) OF THE SECURITIES EXCHANGE
ACT OF 1934, 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”) against Alan Labineri (“Respondent” or “Labineri”).

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 Sections III.2 and III.4 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, 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. Labineri, also known as "Alan Labiner," and "David Alan Labiner," is 52 years old and lives in Brooklyn, New York. From June 1, 2001 through February 11, 2004 (the "relevant period"), Labineri was the president of Equity Service Associates and controlled Off World Strategic Holdings, Millenium Entertainment Group and IncredibleArt.com, Inc., companies to which proceeds from various fraudulent offerings, including OnCallContractor.com/OCC Holdings offerings, were transferred. From April 1994 to January 1997, Labineri worked as a registered representative for six registered broker-dealers. Labineri has not been registered with a broker-dealer since January 1997. During the period of the conduct underlying Labineri's criminal conviction in October 2011, Labineri was associated with a broker-dealer.

2. On December 3, 2008, a final judgment was entered against Labineri permanently enjoining him from future violations of Section 17(a) of the Securities Act of 1933 and Section 10(b) of the Exchange Act, and Rule 10b-5 thereunder, and from participating in offerings of penny stock in the civil action entitled Securities and Exchange Commission v. OCC Holdings, Ltd., et al., 04 Civ.1122, in the United States District Court for the Southern District of New York.

3. The Commission's complaint alleged, inter alia, that during the relevant period, Labineri raised more than \$2 million from investors through three schemes: (1) selling purported private placement shares of OnCall; (2) selling promissory notes issued by MB Holdings and other entities; and (3) selling restricted shares of Savvydata, Inc., an unrelated, privately owned company. The complaint further alleged that in connection with the offerings, Labineri made false and misleading promises of imminent initial public offerings and/or substantial increases in the stock price; misrepresented to investors that the promissory notes were risk-free; misappropriated and used investor funds for personal expenses; and failed to disclose his disciplinary history.

4. On October 20, 2011, Labineri pleaded guilty to conspiracy to commit securities, mail and wire fraud, and mail fraud in violation of Title 15, United States Code, Sections 78j(b) and 78ff, and Title 18 United States Code Section 1341 in the criminal action entitled United States of America v. Labiner, et al., 1:09cr807, in the United States District Court for the Eastern District of New York.

5. The counts of the criminal indictment to which Labineri pleaded guilty alleged, inter alia, that, from at least March 2004 until September 2009, Labineri and his co-defendants defrauded investors in purported private offerings of securities of a number of entities, including Manhattan North Real Estate Investment Trust, Inc., Next Point USA, Inc., Grant Boxing, Inc., and Exposure Management Group, Inc. by misrepresenting to prospective investors the use of the offering proceeds, most of which they used for their own benefit.

IV.

In view of the foregoing, the Commission deems it appropriate and in the public interest to impose the sanctions agreed to in Respondent Labineri's Offer.

Accordingly, it is hereby ORDERED pursuant to Section 15(b)(6) of the Exchange Act that Respondent Labineri be, and hereby is:

barred from association with any broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization.

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.

Elizabeth M. Murphy
Secretary