

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
OFFICE OF HEARING OFFICERS**

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

SCOTT GEORGE STEFFEK
(CRD No. 4217891),

Respondent.

Disciplinary Proceeding
No. 2008014677601

Hearing Officer – LBB

DEFAULT DECISION

September 13, 2010

Respondent Scott George Steffek is barred from associating with any member firm in any capacity for failure to provide information, in violation of FINRA Procedural Rule 8210 and Conduct Rule 2010.

Appearances

Pamela Shu, Esq., Chicago, Illinois, Senior Regional Counsel, for the Department of Enforcement.

No appearance by or for Respondent.

DECISION

The Department of Enforcement filed the Complaint in this disciplinary proceeding on April 20, 2010, asserting one cause of action against Respondent Scott George Steffek ("Respondent") for failure to provide information, in violation FINRA Procedural Rule 8210 and Conduct Rule 2010. Despite being properly served with the Complaint, Notice of Complaint, and Second Notice of Complaint, Respondent has not filed an answer or otherwise responded to the Complaint.

On July 16, 2010, Enforcement filed a Motion for Entry of Default Decision, to which Respondent did not respond. Accordingly, pursuant to Procedural Rules 9215(f) and 9269, the allegations in the Complaint will be deemed admitted and Enforcement's motion will be granted.¹

I. Respondent's Default

On April 20, 2010, Enforcement served the Complaint and Notice of Complaint on Respondent by first-class and certified mail at his residential address as listed in the Central Registration Depository ("CRD"). The first-class mailing was not returned by the Postal Service. The certified mail return receipt was returned to FINRA staff, signed by "Scott Steffek." Shu Decl. ¶ 6; CX-4; CX-5.

On May 26, 2010, Enforcement served the Second Notice of Complaint, Complaint, and Notice of Complaint on Respondent by certified and first-class mail at Respondent's CRD address. The first-class mailing was not returned. The certified mail return receipt was returned with an illegible signature. Shu Decl. ¶ 7; CX-6; CX-7. Respondent has not filed an answer or otherwise responded to the Complaint.

Enforcement served the Complaint and the Notices of Complaint on Respondent in accordance with Procedural Rule 9134, giving him constructive notice of this proceeding. By failing to respond, he defaulted.

II. Jurisdiction

Respondent was employed by FINRA member firm MetLife Securities, Inc. ("MetLife"), through which he was registered with FINRA from January 24, 2007, through May 2, 2008.

¹ The factual determinations in this decision are based on the allegations of the attached Complaint and the materials Enforcement filed with its default motion, which included the Declaration Supporting a Motion for the Entry of a Default Decision, signed by Enforcement attorney Pamela Shu, and supporting documentation. Counsel's declaration is cited herein as "Shu Decl. ¶ ____." The supporting documentation is cited as "CX-____."

Respondent was registered with FINRA from 2000 through May 2, 2008, except for a period when he was not employed by a member firm. Shu Decl. ¶ 5; CX-3.

Although Respondent is not registered with a FINRA member firm, he remains subject to FINRA's jurisdiction for purposes of this proceeding, pursuant to Article V, Section 4 of FINRA's By-Laws, because the Complaint was filed within two years after the termination of his registration with a member firm, and it charges him with failing to respond to Rule 8210 requests issued within two years following the termination of his registration with a member firm.

III. Origin of the Investigation

After receiving a written complaint from R.L. and J.L., a married couple, about Respondent's handling of an investment, FINRA Staff sent letters to Respondent requesting information and documentation about his activities, to which Respondent failed to respond. Complaint ¶ 1.

IV. Violation: Respondent Failed to Provide Information, in Violation of FINRA Procedural Rule 8210 and Conduct Rule 2010

The Complaint charges Respondent with failure to respond to requests for information in violation of FINRA Rules 8210 and 2010.

In connection with a written customer complaint about Respondent's handling of an investment while he was registered with MetLife, FINRA Staff sent Respondent a request for information pursuant to Rule 8210 on March 31, 2009, asking for a written response to the customers' complaint. The request was sent to Respondent at his CRD address by first-class and certified mail. The first-class mailing was not returned to Staff. The certified mailing was returned unclaimed. Respondent failed to respond. Complaint ¶¶ 1, 4 – 5, 7; Shu Decl. ¶ 10.

FINRA Staff sent a second request for information to Respondent on June 8, 2009, asking Respondent to submit a written response to the Staff's inquiries and produce documentation,

pursuant to Rule 8210. The request was sent by first-class and certified mail to Respondent at his CRD address. The first-class mailing was not returned to the Staff. The certified mail return receipt was returned to the Staff, signed by "George Steffek." Respondent did not respond to the Staff's second request letter. Complaint ¶¶6, 7; Shu Decl. ¶ 10. Both requests were served within two years of the termination of Respondent's registration with a member firm.

Respondent was required to respond pursuant to FINRA Rule 8210.

These allegations, which are deemed admitted, are sufficient to establish, for purposes of this default decision, that Respondent failed to respond to requests for information, in violation of FINRA Procedural Rule 8210 and Conduct Rule 2010.²

V. Sanctions

The Sanction Guidelines recommend a bar where a respondent fails to respond in any manner to a request for information issued pursuant to Rule 8210. *FINRA Sanction Guidelines* at 35 (2007) ("Sanction Guidelines"). Where mitigation exists, the Sanction Guidelines recommend consideration of a suspension in all capacities of up to two years. Respondent failed to respond to two requests for information concerning a customer complaint. There are no mitigating factors that would justify imposition of a lesser sanction. A bar is the appropriate sanction under the facts and circumstances of this case.

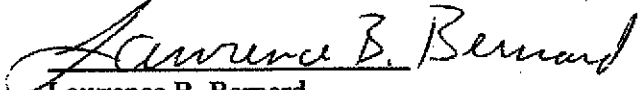
VI. Conclusion

Respondent Scott George Steffek is barred from associating with any member firm in any capacity for failure to provide information, in violation of FINRA Procedural Rule 8210 and

² *Dep't of Enforcement v. Hoeper*, No. C02000037, 2001 NASD Discip. LEXIS 37, at *5 (N.A.C. Nov. 2, 2001) (violation of NASD Procedural Rule 8210 was a violation of NASD Conduct Rule 2110). FINRA has transferred NASD Rule 2110 to the Consolidated FINRA Rulebook without change as FINRA Rule 2010. See Exchange Act Rel. No. 58643 (Sept. 25, 2008), 73 FR 57174 (Oct. 1, 2008) (Order Approving Proposed Rule Change; File No. SR-FINRA-2008-028).

Conduct Rule 2010. The bar will become effective immediately if this decision becomes
FINRA's final disciplinary action in this proceeding.

SO ORDERED.


Lawrence B. Bernard
Hearing Officer

Copies to: Scott George Steffek (*via overnight courier and first-class mail*)
Pamela Shu, Esq. (*via e-mail and first-class mail*)
Mark P. Dauer, Esq. (*via e-mail*)
David R. Sonnenberg, Esq. (*via e-mail*)

**FINANCIAL INDUSTRY REGULATORY AUTHORITY (FINRA)
OFFICE OF HEARING OFFICERS**

DEPARTMENT OF ENFORCEMENT,

Complainant

vs.

**Scott George Steffek,
Registered Representative
(CRD No.4217891)**

Respondent

**Disciplinary Proceeding
No. 2008014677601**

Hearing Officer

COMPLAINT

The Department of Enforcement alleges:

SUMMARY

1. After receiving a written complaint from RL and JL, a married couple, about Scott George Steffek's ("Steffek") handling of an investment, FINRA Staff ("Staff") sent letters to Steffek requesting information and documentation about his activities, to which Steffek failed to respond, in violation of FINRA Rules 2010 and 8210.

RESPONDENT AND JURISDICTION

2. From on or about January 24, 2007 to on or about May 2, 2008, Steffek was registered as an Investment Company and Variable Contracts Products (Series 6) Representative with MetLife Securities, Inc. ("MetLife"), a member of FINRA. Steffek is not currently associated with any member of FINRA and has no disciplinary history. Since this Complaint is filed within two years of the termination of Steffek's registration with a member of FINRA, Steffek is subject to the jurisdiction of FINRA, pursuant to Article V, Section 4 of the FINRA's

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By-Laws.

**FIRST CAUSE OF ACTION
FINRA Rules 2010 and 8210 - Failure to Respond to the Staff's
Requests for Information by Steffek.**

3. The Department realleges and incorporates by reference paragraphs number 1 through 2 above.

4. In connection with a written customer complaint about Steffek while he was registered with MetLife, the Staff sent written requests to Steffek for him to provide information and documentation.

5. On or about March 31, 2009, the Staff sent Steffek a request letter pursuant to FINRA Rule 8210 by certified and first-class mail, in which Steffek was asked to submit a written response to the Staff's questions relating to the customer complaint. The Staff's letter to Steffek was sent by first-class mail on March 31, 2009, and was not returned to the Staff; the certified letter was returned to FINRA unclaimed. Steffek did not respond to the Staff's request letter.

6. After Steffek failed to respond, on or about June 8, 2009, the Staff sent Steffek a second request letter under FINRA Rule 8210 by certified and first-class mail. Steffek was asked to submit a written response to the Staff's inquiries and produce documentation. The first-class mailing was not returned to the Staff; the certified mailing receipt was returned to the Staff, signed on June 10, 2009 by "George Steffek". Steffek did not respond to the Staff's second request letter.

7. Steffek failed to respond to each and all of the above requests for documents and information described in paragraphs 2 through 6 above, and the time for Steffek to respond has

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passed.

8. The aforementioned acts, practices and conduct constitute separate and distinct violations of FINRA Rules 2010 and 8210 by Steffek.

RELIEF REQUESTED

WHEREFORE, the Department respectfully requests that the Panel:

- A. order that one or more of the sanctions provided under FINRA Rule 8310(a) be imposed, including monetary sanctions and that the Respondent be required to disgorge fully any and all ill-gotten gains and/or make full and complete restitution, together with interest and;
- B. order that Respondent bear such costs of proceeding as are deemed fair and appropriate under the circumstances in accordance with FINRA Rule 8330.

April 20, 2010

Date

FINRA DEPARTMENT OF ENFORCEMENT



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