

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

Department of Enforcement,

Complainant,

v.

Brian Michael Seifert
(CRD No. 4547658),

Respondent.

DISCIPLINARY PROCEEDING
No. 2012033920601

AMENDED COMPLAINT

The Department of Enforcement alleges:

SUMMARY

1. Brian Seifert twice failed to appear for scheduled on-the-record testimony requested pursuant to FINRA Rule 8210 during June 2014.
2. Seifert's failures to appear for on-the-record testimony violated FINRA Rule 8210, which requires FINRA members and associated persons to provide information and to testify with respect to any matter involved in a FINRA investigation. Seifert's conduct also violated FINRA Rule 2010.

RESPONDENT AND JURISDICTION

3. Seifert first became registered with a FINRA member firm in 2002 as a Series 63 (Uniform Securities Agent State Law Examination). Seifert obtained his Series 6 (Investment Company Products/Variable Contracts Representative) in April 2003.

Seifert was registered with two different FINRA member firms before becoming registered in both capacities on March 18, 2008, through FINRA member Country Capital Management Company (“CCMC”), a subsidiary of Country Financial. Seifert was simultaneously employed by an affiliated insurance group, also a subsidiary of Country Financial, while working for CCMC.

4. On August 9, 2012, CCMC filed a Form U5 disclosing Seifert’s voluntary termination.
5. On August 31, 2012, CCMC filed an amended Form U5 disclosing an internal review of Seifert by CCMC’s affiliated insurance group into “allegations that the representative forged and/or falsified customer information with the affiliated insurance company.” The internal review concluded that “[e]vidence was found supporting allegations the representative falsified customer information and forged documents.”
6. Although Seifert is no longer registered or associated with a FINRA member, he remains subject to FINRA’s jurisdiction for purposes of this proceeding pursuant to Article V, Section 4 of FINRA’s By-Laws because (1) the Complaint was filed within two years after the amended Form U5 filed for Seifert on August 31, 2012; and (2) the Complaint charges Seifert with failing to appear for on-the-record testimony during the two-year period after the filing of an amendment to Form U5.

CAUSE OF ACTION
(Failure to Cooperate)
FINRA Rules 8210 and 2010

7. The Department re-alleges and incorporates by reference paragraphs 1- 6 above.

8. FINRA Rule 8210 requires associated persons “to provide information orally, in writing or electronically . . . and testify at a location specified by FINRA staff, under oath or affirmation . . . with respect to any matter involved in the investigation, complaint, examination or proceeding”
9. In connection with FINRA’s investigation related to, among other things, whether Seifert forged documents and falsified insurance customer information, on May 12, 2014, FINRA staff sent a letter to Seifert pursuant to FINRA Rule 8210, requesting that Seifert appear at FINRA’s offices in Rockville, Maryland on June 10, 2014, so that the staff could take his testimony upon oral examination.
10. The May 12 letter was sent by Certified Mail, return receipt requested, and by FedEx to Seifert’s last residential address as reflected in the Central Registration Depository (“CRD”). The staff received an e-mailed confirmation from FedEx that the letter was delivered to Seifert’s CRD address on May 13. The staff also received the Certified Mail reply card with an illegible signature dated May 15, 2014.
11. On or around May 13, Seifert called the staff and acknowledged receiving the May 12 letter. At that time, he told the staff that he did not plan to attend the testimony scheduled for June 10, and did not request that the testimony be rescheduled.
12. On June 10, Seifert failed to appear for his scheduled testimony at FINRA’s offices and did not seek any adjournment of such testimony.
13. On June 10, the staff sent a second letter to Seifert pursuant to FINRA Rule 8210, requesting that Seifert appear at FINRA’s offices in Rockville, Maryland on June 24, 2014, so that the staff could take his testimony upon oral examination.

14. The June 10 letter was also sent by Certified Mail, return receipt requested, and by FedEx to Seifert's last residential address as reflected in CRD. On June 11, the staff received an e-mailed confirmation from FedEx that the scheduling letter was delivered to Seifert's CRD address on June 11. The staff also received the Certified Mail reply card dated June 14, 2014 with the signature and printed name of "Jackie Seifert."
15. On June 24, Seifert failed to appear for his scheduled testimony at FINRA's offices. Seifert did not seek to postpone the date of his testimony, nor did he explain to the staff his failure to appear.
16. As of the date of this Complaint, Seifert has not appeared for the requested on-the-record testimony in accordance with FINRA Rule 8210.
17. As a result of the foregoing conduct, Seifert violated FINRA Rules 8210 and 2010.

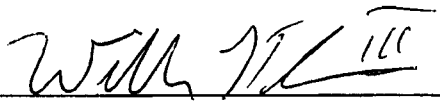
RELIEF REQUESTED

WHEREFORE, the Department respectfully requests that the Panel:

- A. make findings of fact and conclusions of law that Respondent committed the violations charged and alleged herein;
- B. order that one or more of the sanctions provided under FINRA Rule 8310(a), including monetary sanctions, be imposed; and
- C. order that Respondent bear such costs of proceeding as are deemed fair and appropriate under the circumstances in accordance with FINRA Rule 8330.

FINRA DEPARTMENT OF ENFORCEMENT

Date: August 14, 2014



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