

**STATE OF ILLINOIS  
SECRETARY OF STATE  
SECURITIES DEPARTMENT**

\_\_\_\_\_  
IN THE MATTER OF: FABIAN CESAR SEYLLER )  
\_\_\_\_\_)

FILE NO. 1000036

**CONSENT ORDER OF PROHIBITION**

**TO THE RESPONDENT:** Fabian Cesar Seyller  
(CRD#: 1760788)  
11486 Cross Creek Estates Lane  
Belvidere, Illinois 61008

WHEREAS, Respondent Fabian Cesar Seyller ("Respondent"), on the 7<sup>th</sup> day of June, 2010, executed a certain Stipulation to Enter Consent Order of Prohibition (the "Stipulation"), which hereby is incorporated by reference herein.

WHEREAS, by means of the Stipulation, Respondent has admitted to the jurisdiction of the Secretary of State and service of the Notice of Hearing of the Secretary of State, Securities Department, issued April 26, 2010 in this proceeding (the "Notice") and Respondent has consented to the entry of this Consent Order of Prohibition ("Consent Order").

WHEREAS, by means of the Stipulation, Respondent has acknowledged that the following Findings of Fact are intended to be a final determination of the issues and Respondent agrees that he shall be estopped from making arguments contrary to the Findings of Fact in any collateral proceeding(s).

WHEREAS, by means of the Stipulation, Fabian Cesar Seyller has acknowledged that the following shall be adopted as the Secretary of State's Findings of Fact, and has admitted to the truth thereof:

1. That at all relevant times, the Respondent was registered with the Illinois Secretary of State as a salesperson in the State of Illinois pursuant to Section 8 of the Act until January 15, 2009.
2. That on May 11, 2009 FINRA entered a Letter Of Acceptance, Waiver And Consent (AWC) submitted by the Respondent regarding File No. 2007009359601 which sanctioned the Respondent as follows:

## CONSENT ORDER OF PROHIBITION

2

- a. A six month suspension from association with any member of FINRA in any and all capacity; and
  - b. Fined \$5,000.
3. That the AWC found:

- a. OVERVIEW

I engaged in outside business activities without providing prompt written notice to my employing member firm. I falsely asserted that I was not involved in any undisclosed outside business activities on an annual compliance form. Furthermore, I falsely denied any involvement in outside business activities to my supervisor, even when directly questioned on two different occasions.

- b. FACTS AND VIOLATIVE CONDUCT

Between 1992 and 2007, I was employed by MetLife as a registered representative.

Between May 2006 and January 2007, I referred four MetLife customers to another individual who sold them equity indexed annuities. I received compensation in the form of referral fees for my actions. I received approximately \$11,925.66 in compensation in referral fees without providing prompt written notice to MetLife in any way.

MetLife required that outside business activities be disclosed on an Annual Certification Statement on which each representative was required to state whether he or she had previously reported all outside business activities. This form also required me to affirmatively state that I was not engaged in any undisclosed outside business activities. This form also specifically asked me if I received any referral fees.

On September 29, 2006, I falsely asserted on an Annual Certification Statement that I was not engaged in any undisclosed outside business activities and that I did not receive any referral fees.

Furthermore, during this time period, I falsely denied any involvement with EIA sales to my supervisor when directly questioned me, on two different occasions.

## CONSENT ORDER OF PROHIBITION

3

- c. The aforesaid conduct constitutes violation by Fabian Seyller of NASD Conduct Rules 3030 and 2110.
4. That Section 8.E(1)(j) of the Act provides, inter alia, that the registration of a salesperson and investment advisor representative may be revoked if the Secretary of State finds that such salesperson and investment advisor representative has been suspended by any self-regulatory organization registered under the Federal 1934 Act or the Federal 1974 Act arising from any fraudulent or deceptive act or a practice in violation of any rule, regulation or standard duly promulgated by the self-regulatory organization.
5. That FINRA is a self-regulatory organization as specified in Section 8.E(1)(j) of the Act.
6. That Section 8.E (3) of the Act provides inter alia, withdrawal of an application for registration or withdrawal from registration as a salesperson or investment advisor representative, becomes effective thirty (30) days after receipt of an application to withdraw or within such shorter period of time as the Secretary of State may determine. If no proceeding is pending or instituted and withdrawal automatically becomes effective, the Secretary of State may nevertheless **institute a revocation or suspension proceeding** within 2 years after withdrawal become effective and enter a revocation or suspension order as of the last date on which registration was effective.
7. That by virtue of the foregoing, the Respondent's registration as a salesperson and as an investment advisor representative in the State of Illinois is subject to revocation pursuant to Sections 8.E(1)(j) and 8.E (3) of the Act.

WHEREAS, by means of the Stipulation Respondent has acknowledged that the following shall be adopted as the Secretary of State's Conclusion of Law:

The Respondent violated Sections 8E(1)(j) and 8E(3) of the Act.

WHEREAS, by means of the Stipulation Respondent has acknowledged and agreed that he shall be PROHIBITED from offering and selling of securities EXCEPT in compliance with the Illinois Securities Law of 1953 815 ILCS 5/1 et seq. (The "Act").

## CONSENT ORDER OF PROHIBITION

4

WHEREAS, by means of the Stipulation Respondent has acknowledged and agreed that he shall pay a fine in the amount of Ten Thousand Dollars (\$10,000.00). Said amount is to be paid by certified or cashier's check, made payable to the Office of the Secretary of State, Securities Audit and Enforcement Fund.

WHEREAS, by means of the Stipulation Respondent has acknowledged and agreed that he has submitted with the Stipulation a certified or cashier's check in the amount of Ten Thousand Dollars (\$10,000.00) to cover fines and costs incurred during the investigation of this matter. Said check has been made payable to the Office of the Secretary of State, Securities Audit and Enforcement Fund.

WHEREAS, by means of the Stipulation Respondent has acknowledged and agreed that he shall be levied costs incurred during the investigation of this matter in the amount of Fifteen Hundred Dollars (\$1,500.00). Said amount is to be paid by certified or cashier's check, made payable to the Office of the Secretary of State, Securities Audit and Enforcement Fund.

WHEREAS, the Secretary of State, by and through his duly authorized representative, has determined that the matter related to the aforesaid formal hearing may be dismissed without further proceedings.

NOW THEREFORE IT SHALL BE AND IS HEREBY ORDERED THAT:

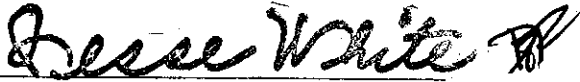
1. The Respondent shall be PROHIBITED from offering and selling securities except in compliance with the Illinois Securities Law of 1953.
2. The Respondent shall pay a FINE in this matter in the amount of Ten Thousand Dollars (\$10,000.00), payable to the Office of the Secretary of State, Securities Audit and Enforcement Fund, and on June 9, 2010 has submitted Ten Thousand Dollars (\$10,000.00) in payment thereof.
3. The Respondent is levied costs of investigation in this matter in the amount One Thousand Five Hundred Dollars (\$1,500.00), payable to the Office of the Secretary of State, Securities Audit and Enforcement Fund, and on June 9, 2010 has submitted One Thousand Five Hundred Dollars (\$1,500.00) in payment thereof.
4. The Department shall retain jurisdiction over this proceeding for the sole purpose of enforcing the terms and provisions of the Stipulation herein.

**CONSENT ORDER OF PROHIBITION**

5

5. The formal hearing scheduled on this matter is hereby dismissed without further proceedings.

ENTERED: This 9<sup>th</sup> day of June, 2010



JESSE WHITE  
Secretary of State  
State of Illinois

NOTICE: Failure to comply with the terms of this Order shall be a violation of the Section 12.D of the Act. Any person or entity who fails to comply with the terms of this Order of the Secretary of State, having knowledge of the existence of the Order, shall be guilty of a Class 4 Felony.

This is a final order subject to administrative review pursuant to the Administrative Review Law, {735 ILCS 5/3-101 et seq.} and the Rules and Regulations of the Illinois Securities Act, {14 Ill. Admin. Code Ch. I, Section 130.1123}. Any action for Judicial Review must be commenced within thirty-five (35) days from the date a copy of this Order is served upon the party seeking review.

Attorney for the Secretary of State:  
Mary A. Lopez  
Office of the Secretary of State  
Illinois Securities Department  
69 West Washington Street, Suite 1220  
Chicago, Illinois 60602  
Telephone: (312) 793-3023