

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 CARL J. KUNASEK

Chairman

3 JIM IRVIN

Commissioner

4 WILLIAM A. MUNDELL

Commissioner

5 In the matter of )

6 WILLIAM E. BERGH, individually and d/b/a )

7 NATIONAL FINANCIAL GROUP )

13311 North 65<sup>th</sup> Drive )

8 Glendale, AZ 85304 )

And )

9 11024 N. 28<sup>th</sup> Drive, Ste. 200 )

Phoenix, AZ 85029 )

10 CRD 1409200 )

11 THOMAS OTTO TABAT )

24435 N. 38<sup>th</sup> Lane )

12 Glendale, AZ 85310 )

CRD 1011671, )

13 \_\_\_\_\_ )  
Respondents. )

DOCKET NO. S-03374A-99-0000

DECISION NO. \_\_\_\_\_

**FINAL ORDER FOR RELIEF AND  
CONSENT TO SAME FOR  
THOMAS OTTO TABAT**

14 **I.**

15 **INTRODUCTION**

16 THOMAS OTTO TABAT (TABAT) elects to permanently waive his rights to a hearing and  
17 appeal under Articles 11 and 12 of the Securities Act of Arizona, A.R.S. § 44-1801, et seq. (the Act), with  
18 respect to this Final Order for Relief and Consent to Same (the Order); admits the jurisdiction of the  
19 Arizona Corporation Commission (Commission); neither admits nor denies the Findings of Fact and  
20 Conclusions of Law contained in the Order; and consents to entry of the Order by the Commission.

21 **II.**

22 **FINDINGS OF FACT**

23 1. TABAT, whose last known address is 24435 N. 38<sup>th</sup> Lane, Glendale, AZ 85310, was  
24 registered with the Commission as a securities salesman with Legacy Financial Services, Inc. (Legacy)  
25 from February 1998 to June 1999.  
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1           1.       IT IS ORDERED, pursuant to A.R.S. § 44-2032, that THOMAS O TABAT and any  
2 agents, servants, employees, successors, or persons in active concert or participation with him,  
3 permanently CEASE and DESIST from violations of the Securities Act of Arizona.

4           2.       IT IS FURTHER ORDERED, pursuant to A.R.S. § 44-2036, that TABAT shall pay  
5 administrative penalties in the amount of \$5,000, together with interest to accrue at the statutory rate of  
6 10% per annum. Payment shall be made by cashier’s checks, and may be paid as follows: \$1,000 upon  
7 entry of this Order, and no less than \$184.01 per month on or before the 1<sup>st</sup> day of each month beginning  
8 on May 1, 2000, until paid in full. Such checks are to be made payable to the “State of Arizona” for  
9 deposit in the General Fund of the state.

10          3.       IT IS FURTHER ORDERED that upon failure to pay any amount when due pursuant to  
11 this Order, the full amount of penalties shall be immediately due and payable, with interest to accrue at  
12 the statutory rate of 10% per annum.

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1 4. IT IS FURTHER ORDERED, pursuant to A.R.S. § 44-1962, that TABAT's securities  
2 salesman registration is revoked from the date of the Order.

3 5. IT IS FURTHER ORDERED that this Order shall become effective immediately upon the  
4 date set forth below.

5 BY ORDER OF THE ARIZONA CORPORATION COMMISSION

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9 CHAIRMAN

COMMISSIONER

COMMISSIONER

10 IN WITNESS WHEREOF, I, Brian C. McNeil, Executive  
11 Secretary of the Arizona Corporation Commission, have  
12 hereunto set my hand and caused the official seal of the  
13 Commission to be affixed at the Capitol, in the City of  
14 Phoenix, this \_\_\_\_ day of \_\_\_\_\_, 2000.

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16 BRIAN C. McNEIL  
17 Executive Secretary

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DISSENT  
(PTJ)

This document is available in alternative formats by contacting Cynthia Mercurio-Sandoval, ADA Coordinator, voice phone number 602/542-0838, E-mail csandoval@cc.state.az.us.

1           CONSENT BY THOMAS OTTO TABAT TO THE ENTRY, BY THE CORPORATION  
2           COMMISSION, OF A FINAL ORDER FOR RELIEF AND WAIVER OF HEARING

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4           1.       Respondent, THOMAS OTTO TABAT (TABAT) admits the jurisdiction of the  
5 Arizona Corporation Commission (Commission) over the subject matter of this proceeding, and  
6 acknowledges that he has been fully advised of his right to a hearing to present evidence and call  
7 witnesses. TABAT knowingly and voluntarily waives all rights to a hearing before the Commission  
8 and all other procedures otherwise available under Article 11 of the Securities Act of Arizona (the  
9 Act) and Title 14 of the Arizona Administrative Code. TABAT acknowledges that the accompanying  
10 Final Order for Relief and Consent to Same (Order) constitutes a valid final order duly rendered by the  
11 Commission.

12           2.       TABAT knowingly and voluntarily waives any right he may have under Article 12 of  
13 the Act to judicial review by any court by way of suit, appeal or extraordinary relief resulting from the  
14 entry of this Order.

15           3.       TABAT acknowledges and agrees that this Order is entered into freely and voluntarily  
16 and that no promise was made nor any coercion used to induce TABAT to enter into it.

17           4.       TABAT acknowledges that he has been represented by counsel in this matter.

18           5.       TABAT neither admits nor denies the Findings of Fact and Conclusions of Law  
19 contained in the Order. TABAT agrees that he shall not challenge their validity in any present or  
20 future administrative proceedings before the Commission or any other state agency concerning the  
21 denial or issuance of any licenses or registrations required by the State in order to engage in the  
22 practice of any business or profession.

23           6.       TABAT consents to the entry of this Order and agrees to be fully bound by its terms  
24 and conditions. TABAT further acknowledges that should he fail to comply with the provisions of this  
25 Order, the Commission may enforce the Order in Superior Court, pursuant to A.R.S. § 44-2036(C). In  
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1 addition, the Commission may impose additional sanctions and costs and seek other appropriate relief  
2 subject to TABAT's right to a hearing pursuant to the Act.

3 7. TABAT further understands that default will render him liable to the Commission for  
4 its costs of collection and interest at the maximum legal rate.

5 8. TABAT agrees that, as a part of the settlement reached herein, he will not apply for  
6 registration as a securities dealer or salesman, or for licensure as an investment adviser or investment  
7 adviser representative, under the Securities Act of Arizona or the Investment Management Act of  
8 Arizona, at any time in the future.

9 9. TABAT acknowledges that this Order resolves only alleged administrative violations of  
10 the Act and that nothing contained in the Order purports to resolve any other issues, which may exist  
11 between TABAT and the State. Nothing in the Order shall be construed to restrict or preclude any  
12 other agency or officer of the State of Arizona or its subdivisions from initiating other administrative,  
13 civil or criminal proceedings against TABAT, now or in the future, that may be related to the matters  
14 addressed by the Order. Nothing in the Order shall be construed to restrict the State's right in a future  
15 proceeding to bring an action against TABAT from or related to facts not set forth in the Order.

16 10. TABAT acknowledges that the Order represents the complete and final resolution of, and  
17 discharge of any basis for any civil or administrative proceeding by the Commission against TABAT  
18 for violations arising as a result of or in connection with any actions or omissions by TABAT, pursuant  
19 to A.R.S. § 44-1841; provided, however, this release does not apply to facts not known by the  
20 Commission or staff or not otherwise provided by TABAT as of the date of the Order; provided further  
21 that this release does not apply to violations arising from misrepresentations or omissions by TABAT in  
22 connection with the offer or sale of securities, in violation of A.R.S § 44-1991.

23 11. TABAT states that as a part of the settlement reached herein, he will continue to  
24 cooperate with the Securities Division (Division) in connection with this matter including, but not  
25 limited to, providing a complete and accurate financial statement under penalty of perjury, providing  
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1 complete and accurate testimony at any hearing in this matter as may be requested by the Division, and  
2 cooperating with the Division regarding the allegations in the present matter and any other matters  
3 touching thereon.

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THOMAS OTTO TABAT

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9 SUBSCRIBED TO AND SWORN BEFORE me this \_\_\_\_ day of \_\_\_\_\_, 2000,  
10 by THOMAS OTTO TABAT.

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NOTARY PUBLIC

13 My Commission Expires:  
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