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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

PA DEPARTMENT OF
BANKING AND SECURITIES

COMMONWEALTH OF PENNSYLVANIA	:	
DEPARTMENT OF BANKING AND	:	
SECURITIES, BUREAU OF SECURITIES	:	
COMPLIANCE AND EXAMINATIONS	:	
	:	DOCKET No. 20 <u>00024</u> (SEC-CAO)
	:	
	:	
v.	:	
	:	
ENGLEBERT FINANCIAL ADVISORS, LLC	:	
	:	

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking and Securities (“Department”), Bureau of Securities Compliance and Examinations (“Bureau”), has conducted an investigation of the business practices of Englebert Financial Advisors, LLC (“EFA”) and its officers and employees. Based on the results of its investigation, the Bureau has concluded that EFA has operated in violation of the Pennsylvania Securities Act of 1972, 70 P.S. § 1-101 *et seq.* (“1972 Act”). EFA, in lieu of litigation, and without admitting or denying the allegations herein, and intending to be legally bound, hereby agrees to the terms of this Consent Agreement and Order (“Order”).

BACKGROUND

1. The Department is the Commonwealth of Pennsylvania’s administrative agency authorized and empowered to administer and enforce the 1972 Act.
2. The Bureau is primarily responsible for administering and enforcing the 1972 Act for the Department.

3. EFA (CRD # 300568) was, at all times material herein, a Pennsylvania limited liability company with an address at 5100 W. Tilghman St, Suite 230, Allentown, Pennsylvania 18104.

4. From in or about June 2019 through the present, EFA has been registered in Pennsylvania as an investment advisor pursuant to Section 301(c) of the 1972 Act, 70 P.S. §1-301(c).

5. From in or about June 2019 until May 2020, EFA, due to administrative error, employed an investment advisor representative who was not registered as an investment adviser representative in Pennsylvania.

VIOLATION

6. By engaging in the acts and conduct set forth in paragraphs 4 through 5 above, EFA employed one unregistered investment advisor representative in violation of Section 301(c.1)(1)(ii) of the 1972 Act, 70 P.S. § 1-301(c.1)(1)(ii).

RELIEF

7. EFA shall pay the Department an administrative assessment in the amount of \$10,000. The payments should be made by ACH or wire transfer, or if ACH or wire transfer is unavailable, payment shall be made by certified check or money order made payable to the "Department of Banking and Securities" and shall be mailed or delivered in person to the Bureau of Securities Compliance and Examinations located at 17 N. Second Street, Suite 1300, Harrisburg, Pennsylvania 17101. The assessment shall be paid as follows:

- a. \$1,000 to be paid on or before August 10, 2020;
- b. \$1,000 to be paid on or before September 10, 2020;

- c. \$1,000 to be paid on or before October 10, 2020;
- d. \$1,000 to be paid on or before November 10, 2020;
- e. \$1,000 to be paid on or before December 10, 2020;
- f. \$1,000 to be paid on or before January 10, 2021;
- g. \$1,000 to be paid on or before February 10, 2021;
- h. \$1,000 to be paid on or before March 10, 2021;
- i. \$1,000 to be paid on or before April 10, 2021;
- j. \$1,000 to be paid on or before May 10, 2021;

8. EFA is ORDERED to comply with the 1972 Act, and Regulations adopted by the Department, and in particular Section 301(c 1)(1)(ii) of the 1972 Act, 70 P.S. § 1-301(c.1)(1)(ii).

9. Should EFA fail to pay the assessment as set forth in paragraph 7 above, the sanctions set forth elsewhere in the Order shall continue in full force and effect until full payment is made. However, this provision shall not be construed as affording EFA the option of either paying the assessment or being indefinitely subject to the sanctions.

10. Should EFA fail to comply with any and/or all provisions of this Order, the Department may impose additional sanctions and costs and seek other appropriate relief subject to EFA's right to a hearing pursuant to the 1972 Act.

FURTHER PROVISIONS

11. Consent. EFA hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Bureau's authority under the 1972 Act and agrees that it understands all of the terms and conditions contained herein. EFA, by voluntarily entering into this Order, waives any right to a hearing or appeal concerning the terms, conditions, and/or penalties set forth in this Order.

12. Entire Agreement. This Order contains the entire agreement between the Department and EFA. There are no other terms, obligations, covenants, representations, statements, conditions, or otherwise, of any kind whatsoever concerning this Order. This Order may be amended in writing by mutual agreement by the Department and EFA.

13. Binding Nature. The Department, EFA, and all officers, owners, directors, employees, heirs and assigns of EFA intend to be and are legally bound by the terms of this Order.

14. Counsel. This Order is entered into by the parties upon full opportunity for legal advice from legal counsel

15. Effectiveness EFA hereby stipulates and agrees that the Order shall become effective on the date the Bureau executes the Order (“Effective Date”).

16. Other Enforcement Action.

(a) The Department reserves all of its rights, duties, and authority to enforce all statutes, rules, and regulations under its jurisdiction against EFA in the future regarding all matters not resolved by this Order.

(b) EFA acknowledges and agrees that this Order is only binding upon the Department and not any other local, state or federal agency, department, or office regarding matters within this Order.

17. Authorization. The parties below are authorized to execute this Order and legally bind their respective parties.

18. Counterparts. This Order may be executed in separate counterparts, by facsimile and/or by PDF.

19. Titles. The titles used to identify the paragraphs of this document are for the convenience of reference only and do not control the interpretation of this document.

20. Finding. The Department finds that it is necessary and appropriate in the public interest and for the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the 1972 Act to issue this Order.

WHEREFORE, in consideration of the foregoing, including the recital paragraphs, the Commonwealth of Pennsylvania, Department of Banking and Securities, Bureau of Securities Compliance and Examinations and Englebert Financial Advisors, intending to be legally bound, do hereby execute this Consent Agreement and Order.

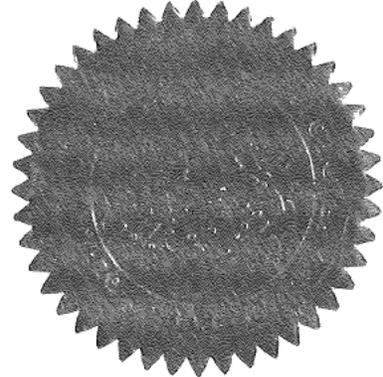
**FOR THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES
BUREAU OF SECURITIES COMPLIANCE AND EXAMINATIONS**

Redacted

Joseph J. Minisi, Deputy Secretary for Securities

Date: _____

7/15/20



FOR ENGLEBERT FINANCIAL ADVISORS, LLC

Redacted

(Signature)

Christopher P. Englebert
(Print Officer Name)