

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

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

VICTOR A. RIGONI, III
CRD No. 4272056,

Respondent.

Disciplinary Proceeding
No. 2018060840101

Hearing Officer—DDM

**ORDER ACCEPTING OFFER OF
SETTLEMENT**

Date: March 24, 2021

INTRODUCTION

Disciplinary Proceeding No. 2018060840101 was filed on August 3, 2020, by the Department of Enforcement of the Financial Industry Regulatory Authority (FINRA or Complainant). Respondent Victor A. Rigoni, III submitted an Offer of Settlement (Offer) to Complainant dated March 10, 2021. Pursuant to FINRA Rule 9270(e), the Complainant and the National Adjudicatory Council (NAC), a Review Subcommittee of the NAC, or the Office of Disciplinary Affairs (ODA) have accepted the uncontested Offer. Accordingly, this Order now is issued pursuant to FINRA Rule 9270(e)(3). The findings, conclusions and sanctions set forth in this Order are those stated in the Offer as accepted by the Complainant and approved by the NAC.

Under the terms of the Offer, Respondent has consented, without admitting or denying the allegations of the Complaint (as amended by the Offer), and solely for the purposes of this proceeding and any other proceeding brought by or on behalf of FINRA, or to which FINRA is a party, to the entry of findings and violations consistent with the allegations of the Complaint (as amended by this Offer), and to the imposition of the sanctions set forth below, and fully

understands that this Order will become part of Respondent's permanent disciplinary record and may be considered in any future actions brought by FINRA.

BACKGROUND

Rigoni entered the securities industry in August 2000 and became registered with FINRA as a General Securities Representative (GSR) through an association with a member firm. In November 2010, Rigoni was registered as a GSR through an association with Summit.

In September 2019, Rigoni voluntarily left Summit and registered as a GSR with another member firm, where he was associated at the time FINRA filed the Complaint.¹

Given his registration with FINRA through a member firm at the time FINRA filed the Complaint, Rigoni is subject to FINRA's jurisdiction pursuant to Article V of the FINRA By-Laws.

FINDINGS AND CONCLUSIONS

It has been determined that the Offer be accepted and that findings be made as follows:

Summary

From August 2012 through March 2019, Victor A. Rigoni, III willfully failed to timely amend his Uniform Application for Securities Industry Registration or Transfer (Form U4) to disclose six unsatisfied federal and state tax liens totaling \$164,521. On average, Rigoni disclosed his liens almost three-and-a-half years late. Rigoni also has never disclosed a state tax lien in the amount of \$11,304, even though he knew about it when it was filed in early 2018 and FINRA alerted him about it in January 2019. Rigoni's failure to timely disclose material facts on

¹ Since the filing of the Complaint, Rigoni voluntarily terminated his association with his FINRA member firm and he is not currently registered or associated with a FINRA member firm.

his Form U4 was willful. As a result of the foregoing, Rigoni violated Article V, Section 2(c) of FINRA's By-Laws and FINRA Rules 1122 and 2010.

In addition, Rigoni falsely attested to Summit Brokerage Services, Inc., his employing member firm, on six annual firm compliance questionnaires between 2012 and 2017 that he was in compliance with FINRA's Form U4 disclosure requirements. By making false attestations to a member firm, Rigoni failed to observe high standards of commercial honor and just and equitable principles of trade in the conduct of his business and thereby violated FINRA Rule 2010.

Based on the foregoing, Respondent willfully omitted to state a material fact on a Form U4 in violation of Article V, Section 2(c) of the FINRA By-Laws and FINRA Rule 1122. In addition, Respondent violated FINRA Rule 2010.

Based on these considerations, the sanctions hereby imposed by the acceptance of the Offer are in the public interest, are sufficiently remedial to deter Respondent from any future misconduct, and represent a proper discharge by FINRA, of its regulatory responsibility under the Securities Exchange Act of 1934.

Failure to Timely Amend Form U4 to Disclose Material Information

Article V, Section 2(c) of the FINRA By-Laws requires an associated person to keep his Form U4 "current at all times by supplementary amendments . . . not later than 30 days after learning of the facts or circumstances giving rise to the amendment."

FINRA Rule 1122 provides: "No member or person associated with a member shall file with FINRA information with respect to membership or registration which is incomplete or inaccurate so as to be misleading, or which could in any way tend to mislead, or fail to correct such filing after notice thereof."

FINRA Rule 2010 requires associated persons to observe high standards of commercial honor and just and equitable principles of trade in the conduct of their business. Failing to file prompt and accurate amendments to a Form U4 thus violates Article V, Section 2(c) of the FINRA By-Laws and FINRA Rule 1122 and FINRA Rule 2010.

At all times relevant to this Complaint, Question 14M of the Form U4 asked, “Do you have any unsatisfied judgments or liens against you?” If the answer is yes, the registered person is required to provide details about the judgment or lien.

Rigoni failed to timely amend his Form U4 to disclose six unsatisfied federal and state tax liens, and has never disclosed one state tax lien, as follows:

	Lien	Amount	Date Recorded	Date Disclosed on Form U4	Days Late	# of Form U4 Amendments Prior To Disclosure
1	First 2012 Federal Tax Lien	\$4,644	08/10/12	09/28/18	2,210	8
2	Second 2012 Federal Tax Lien	\$76,332	08/10/12	03/06/19	2,369	10
3	2014 Federal Tax Lien	\$19,883	12/02/14	09/28/18	1,366	8
4	2015 Federal Tax Lien	\$10,233	07/21/15	09/28/18	1,135	8
5	First 2018 State Tax Lien	\$11,304	03/30/18	Undisclosed	Ongoing	At least 16
6	Second 2018 State Tax Lien	\$7,828	03/30/18	09/28/18	152	1
7	2018 Federal Tax Lien	\$45,601	08/06/18	03/06/19	182	3
	Total	\$175,825				

All five federal tax liens remain unsatisfied as of the date this Complaint was filed.

The Second 2018 State Tax Lien remains unsatisfied as of the date this Complaint was filed.

Rigoni Failed to Disclose the 2012 Federal Tax Liens.

On August 10, 2012, the Internal Revenue Service (IRS) recorded with the Lake County, Illinois Recorder’s Office a tax lien against Rigoni in the amount of \$4,644 for the 2007 tax year.

On the same day, the IRS recorded with the Lake County, Illinois Recorder’s Office a second tax lien against Rigoni in the amount of \$76,332 for the 2009 and 2010 tax years.

Rigoni received notice of the 2012 Federal Tax Liens on or about the date they were recorded.

At that time, Rigoni was registered with FINRA through an association with Summit.

Rigoni failed to disclose the First 2012 Federal Tax Lien in eight subsequent Form U4 amendments that he made.

Rigoni disclosed the First 2012 Federal Tax Lien on his Form U4 on September 28, 2018, 2,210 days late.

Rigoni failed to disclose the Second 2012 Federal Tax Lien in ten subsequent Form U4 amendments that he made.

Rigoni disclosed the Second 2012 Federal Tax Lien on his Form U4 on March 6, 2019, 2,369 days late.

Rigoni's failure to timely amend his Form U4 to disclose the two 2012 Federal Tax Liens was willful.

Rigoni Failed to Disclose the 2014 Federal Tax Lien.

On December 2, 2014, the IRS recorded with the Lake County, Illinois Recorder's Office a tax lien against Rigoni in the amount of \$19,883 for the 2008 and 2011 tax years.

Rigoni received notice of the 2014 Federal Tax Lien on or about the date it was recorded.

At that time, Rigoni was registered with FINRA through an association with Summit.

Rigoni failed to disclose the 2014 Federal Tax Lien in eight subsequent Form U4 amendments that he made.

Rigoni disclosed the 2014 Federal Tax Lien on his Form U4 on September 28, 2018, 1,366 days late.

Rigoni's failure to timely amend his Form U4 to disclose the 2014 Federal Tax Lien was willful.

Rigoni Failed to Disclose the 2015 Federal Tax Lien.

On July 21, 2015, the IRS recorded with the Lake County, Illinois Recorder's Office a tax lien against Rigoni in the amount of \$10,233 for the 2013 tax year.

Rigoni received notice of the 2015 Federal Tax Lien on or about the date it was recorded.

At that time, Rigoni was registered with FINRA through an association with Summit.

Rigoni failed to disclose the 2015 Federal Tax Lien in eight subsequent Form U4 amendments that he made.

Rigoni disclosed the 2015 Federal Tax Lien on his Form U4 on September 28, 2018, 1,135 days late.

Rigoni's failure to timely amend his Form U4 to disclose the 2015 Federal Tax Lien was willful.

Rigoni Failed to Disclose the 2018 State Tax Liens.

On March 30, 2018, the State of Illinois issued a tax lien against Rigoni in the amount of \$11,304 for the 2014 and 2016 tax years.

On the same date, the State of Illinois issued a second tax lien against Rigoni in the amount of \$7,828 for the 2008 and 2009 tax years.

Rigoni received notice of the two 2018 State Tax Liens on or about the date they were issued.

At that time, Rigoni was registered with FINRA through an association with Summit.

Rigoni willfully failed to disclose the First 2018 State Tax Lien on his Form U4 at any time, and this lien remains undisclosed today, despite FINRA alerting Rigoni to the undisclosed lien in a FINRA Rule 8210 request in January 2019.

The First 2018 State Tax Lien was released pursuant to a Release of Lien that was recorded on June 4, 2019.

Rigoni failed to disclose the Second 2018 State Tax Lien in one subsequent Form U4 amendment that he made.

Rigoni disclosed the Second 2018 State Tax Lien on his Form U4 on September 28, 2018, 152 days late.

Rigoni's failure to timely amend his Form U4 to disclose the Second 2018 State Tax Lien was willful.

Rigoni Failed to Disclose the 2018 Federal Tax Lien.

On August 6, 2018, the IRS recorded with the Lake County, Illinois Recorder's Office a tax lien against Rigoni in the amount of \$45,601 for the 2014 and 2016 tax years.

Rigoni received notice of the 2018 Federal Tax Lien on or about the date it was recorded.

At that time, Rigoni was registered with FINRA through an association with Summit.

Just eleven days after the 2018 Federal Tax Lien was filed, on August 17, 2018, Rigoni amended his Form U4 to update his outside business activity disclosures, yet he failed to disclose the 2018 Federal Tax Lien in that amendment.

Rigoni failed to disclose the 2018 Federal Tax Lien in three subsequent Form U4 amendments that he made.

Rigoni disclosed the 2018 Federal Tax Lien on his Form U4 on March 6, 2019, 182 days late.

Rigoni's failure to timely amend his Form U4 to disclose the 2018 Federal Tax Lien was willful.

Rigoni's Failure to Timely Amend His Form U4 was Willful.

Rigoni has resided at the same address in Lake County, Illinois, since 1995. All of the federal and state tax liens listed Rigoni's residential address for mailing.

Excluding the First 2018 State Tax Lien, which remains undisclosed, Rigoni disclosed the liens filed against him on his Form U4 between 152 and 2,369 days late. On average, Rigoni disclosed the liens entered against him almost three-and-a-half years late.

FINRA previously warned Rigoni about his obligations to timely disclose a federal tax lien on his Form U4.

Each of the unsatisfied federal and state tax liens described above were material facts that a reasonable employer, customer, prospective customer or regulator would have viewed as relevant to Rigoni's business and employment.

Rigoni knew of each of his unsatisfied tax liens and willfully failed to disclose them timely or at all.

As a result of the foregoing misconduct, Rigoni violated Article V, Section 2(c) of the FINRA By-Laws and FINRA Rules 1122 and 2010.

False Compliance Attestations Regarding Form U4 Disclosures

FINRA Rule 2010 requires the observance of high standards of commercial honor and just and equitable principles of trade. It is a violation of FINRA Rule 2010 for a registered person to make misrepresentations to his employing firm.

Between 2012 and 2017, Rigoni falsely attested to Summit in six annual compliance questionnaires that his Form U4 was complete and accurate.

Each of the six questionnaires asked, “Do you have any unsatisfied judgments or liens against you?” On each questionnaire, Rigoni answered “No.”

Rigoni’s attestations were false because, at the time he made them, Rigoni knew that he had not disclosed the unsatisfied liens set forth in this Complaint on his Form U4.

On December 24, 2012, Rigoni falsely attested to Summit in the 2013 Annual Compliance Questionnaire that he was in compliance with FINRA’s Form U4 disclosure requirements.

This December 24, 2012 attestation was false because, at that time, Rigoni had not disclosed on his Form U4 two unsatisfied liens—the First 2012 Federal Tax Lien and the Second 2012 Federal Tax Lien.

On December 5, 2013, Rigoni falsely attested to Summit in the 2014 Annual Compliance Questionnaire that he was in compliance with FINRA’s Form U4 disclosure requirements.

This December 5, 2013 attestation was false because, at that time, Rigoni had not disclosed on his Form U4 two unsatisfied tax liens—the First 2012 Federal Tax Lien and the Second 2012 Federal Tax Lien.

On December 4, 2014, Rigoni falsely attested to Summit in the 2015 Annual Compliance Questionnaire that he was in compliance with FINRA’s Form U4 disclosure requirements.

This December 4, 2014 attestation was false because, at that time, Rigoni had not disclosed on his Form U4 three unsatisfied tax liens—the First 2012 Federal Tax Lien, the Second 2012 Federal Tax Lien and the 2014 Federal Tax Lien.

On December 14, 2015, Rigoni falsely attested to Summit in the 2016 Annual Compliance Questionnaire that he was in compliance with FINRA’s Form U4 disclosure requirements.

This December 14, 2015 attestation was false because, at that time, Rigoni had not disclosed on his Form U4 four unsatisfied tax liens—the First 2012 Federal Tax Lien, the Second 2012 Federal Tax Lien, the 2014 Federal Tax Lien and the 2015 Federal Tax Lien.

On December 16, 2016, Rigoni falsely attested to Summit in the 2017 Annual Compliance Questionnaire that he was in compliance with FINRA’s Form U4 disclosure requirements.

This December 16, 2016 attestation was false because, at that time, Rigoni had not disclosed on his Form U4 four unsatisfied tax liens—the First 2012 Federal Tax Lien, the Second 2012 Federal Tax Lien, the 2014 Federal Tax Lien, and the 2015 Federal Tax Lien.

On December 20, 2017, Rigoni falsely attested to Summit in the 2018 Annual Compliance Questionnaire that he was in compliance with FINRA’s Form U4 disclosure requirements.

This December 20, 2017 attestation was false because, at that time, Rigoni had not disclosed on his Form U4 four unsatisfied tax liens—the First 2012 Federal Tax Lien, the Second 2012 Federal Tax Lien, the 2014 Federal Tax Lien, and the 2015 Federal Tax Lien.

As a result of the foregoing misconduct, Rigoni failed to observe high standards of commercial honor and just and equitable principles of trade in the conduct of his business and thereby violated FINRA Rule 2010.

SANCTIONS

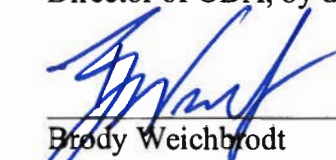
It is ordered that Respondent be fined \$5,000 and suspended from associating with any member firm in all capacities for a period of three months.

The sanctions imposed herein shall be effective on a date set by FINRA staff.

SO ORDERED.

FINRA

Signed on behalf of the
Director of ODA, by delegated authority



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