

NEW APPLICATION ORIGINAL



0000015023

RECEIVED

BEFORE THE ARIZONA CORPORATION COMMISSION

2004 DEC 22 P 1:47

COMMISSIONERS

MARC SPITZER, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
MIKE GLEASON  
KRISTIN K. MAYES

AZ CORP COMMISSION  
DOCUMENT CONTROL

NEW

Arizona Corporation Commission

DOCKETED

DEC 22 2004

DOCKETED BY

CAL

In the matter of:  
  
SCOTT ERICK LANGFITT, individually  
10175 Hoover Woods Road  
Galena, OH 43021  
CRD# 1695817  
  
Respondent.

DOCKET NO. S-03576A-04-0000  
  
**NOTICE OF OPPORTUNITY FOR HEARING  
REGARDING PROPOSED ORDER TO  
CEASE AND DESIST, FOR  
ADMINISTRATIVE PENALTIES, OF  
REVOCATION, AND FOR OTHER  
AFFIRMATIVE ACTION**

**NOTICE: RESPONDENT HAS 10 DAYS TO REQUEST A HEARING**

**RESPONDENT HAS 30 DAYS TO FILE AN ANSWER**

The Securities Division ("Division") of the Arizona Corporation Commission ("Commission") alleges that respondent SCOTT ERICK LANGFITT ("LANGFITT") has engaged in acts, practices and transactions that constitute violations of the Arizona Securities Act, A.R.S. § 44-1801 *et seq.* ("Securities Act").

**I.**

**JURISDICTION**

1. The Commission has jurisdiction over this matter pursuant to Article XV of the Arizona Constitution and the Securities Act.

**II.**

**RESPONDENT**

2. LANGFITT'S last known address is 10175 Hoover Woods Road, Galena, Ohio 43021.

3. From on or about January 30, 1998 until he was discharged on or about September 9, 2004, LANGFITT, NASD CRD No. 1695817, was registered as a securities salesman in Arizona in association with securities dealer Wachovia Securities, LLC ("Wachovia"). LANGFITT'S Arizona

1 securities salesman registration automatically suspended on the date of his termination with  
2 Wachovia and will terminate on December 31, 2004. LANGFITT is not currently associated with  
3 any securities dealer.

4 **III.**

5 **FACTS**

6 4. On or about November 15, 2003, LANGFITT, operating out of Ohio, solicited an  
7 Arizona resident who had been his customer for 10 years to invest \$58,250 in securities in the form  
8 of public housing municipal bonds of the "Louisville Kentucky Redevelopment Authority" (the  
9 "Bonds").

10 5. LANGFITT represented to the customer that the Bonds paid interest at 7.75%, and  
11 advised her that the investment was a better way to use her monies held in a money market account  
12 with Wachovia paying less than 1% interest. LANGFITT represented that the investment would be  
13 insured by Lloyds of London and secured by the municipality, which was working with the Federal  
14 Housing Authority and the Department of Housing and Urban Development. LANGFITT  
15 represented that the customer could take interest semi-annually, or let the interest be compounded and  
16 at maturity, 2010, her investment would pay \$100,000.

17 6. Langfitt provided the customer a document purporting to be a "Wachovia Securities  
18 Supplemental Account Statement," which was not a bona fide business record of Wachovia.

19 7. Wachovia had no record of any such transaction by the customer.

20 8. In early September 2004, Wachovia was provided a series of email communications  
21 between a non-Arizona based Wachovia customer and LANGFITT, which revealed that LANGFITT  
22 had engaged in selling the Bonds without the firm's knowledge and approval.

23 9. Wachovia investigated and could find no evidence these Bonds existed.

24 10. On September 9, 2004, Wachovia terminated LANGFITT for failing to follow the firm's  
25 policy prohibiting the sale of securities that are not recorded on the books of the dealer.

26 ...

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**IV.**

**VIOLATION OF A.R.S. § 44-1841  
(Offer or Sale of Unregistered Securities)**

11. LANGFITT offered and sold securities in the form of bonds within or from Arizona.

12. The securities referred to above were not registered pursuant to the provisions of Articles 6 or 7 of the Securities Act.

13. This conduct violates A.R.S. § 44-1841.

**V.**

**VIOLATION OF A.R.S. § 44-1991  
(Fraud in Connection with the Offer or Sale of Securities)**

14. In connection with the offer or sale of the above-described securities within or from Arizona, LANGFITT directly or indirectly: (i) employed a device, scheme or artifice to defraud; (ii) made untrue statements of material fact or omitted to state material facts which were necessary in order to make the statements made not misleading in light of the circumstances under which they were made; and/or (iii) engaged in transactions, practices or courses of business which operated or would operate as a fraud or deceit upon offerees and investors, specifically including but not limited to the following:

- a) Misrepresented the nature and existence of the Bonds;
- b) Misrepresented and/or failed to disclose that the Bonds were not an approved Wachovia product; and
- c) Created and/or distributed customer account records that were not bona fide business records of Wachovia.

**VI.**

**REVOCATION PURSUANT TO A.R.S. § 44-1962**

15. LANGFITT'S conduct is grounds to revoke LANGFITT'S registration as a securities salesman with the Commission pursuant to A.R.S. § 44-1962. Specifically, LANGFITT has:

1 a) Violated §§ 44-1841 and 1991 of the Securities Act within the meaning of A.R.S.  
2 § 44-1962(A)(2), by offering and selling unregistered securities and making untrue statements  
3 of material fact in connection with the sale of those securities; and

4 b) Engaged in dishonest or unethical practices within the meaning of A.R.S. § 44-  
5 1962(A)(10), including but not limited to selling securities that were not recorded on the  
6 records of Wachovia, as defined by A.A.C. R14-4-130(A)(17).

7 **VII.**

8 **REQUESTED RELIEF**

9 The Division requests that the Commission grant the following relief:

10 1. Order LANGFITT to permanently cease and desist from violating the Securities Act,  
11 pursuant to A.R.S. § 44-2032;

12 2. Order LANGFITT to pay the state of Arizona administrative penalties of up to five  
13 thousand dollars (\$5,000) for each violation of the Securities Act, pursuant to A.R.S. § 44-2036;

14 3. Order the revocation of LANGFITT'S registration as a securities salesman pursuant to  
15 A.R.S. § 44-1962; and

16 4. Order any other relief that the Commission deems appropriate.

17 **VIII.**

18 **HEARING OPPORTUNITY**

19 LANGFITT may request a hearing pursuant to A.R.S. §§ 44-1972 and A.A.C. R14-4-306.

20 **If respondent requests a hearing, respondent must also answer this Notice.** A request for  
21 hearing must be in writing and received by the Commission within 10 business days after service of  
22 this Notice of Opportunity for Hearing. Respondent must deliver or mail the request to Docket  
23 Control, Arizona Corporation Commission, 1200 W. Washington, Phoenix, Arizona 85007. A  
24 Docket Control cover sheet must accompany the request. A cover sheet form and instructions may  
25 be obtained from Docket Control by calling (602) 542-3477 or on the Commission's Internet web  
26 site at [www.cc.state.az.us/utility/forms/index.htm](http://www.cc.state.az.us/utility/forms/index.htm).

1 If a request for a hearing is timely made, the Commission shall schedule the hearing to begin  
2 20 to 60 days from the receipt of the request unless otherwise provided by law, stipulated by the  
3 parties, or ordered by the Commission. If a request for a hearing is not timely made the Commission  
4 may, without a hearing, enter an order granting the relief requested by the Division in this Notice of  
5 Opportunity for Hearing.

6 Persons with a disability may request a reasonable accommodation such as a sign language  
7 interpreter, as well as request this document in an alternative format, by contacting Linda Hogan,  
8 Executive Assistant to the Executive Secretary, voice phone number 602/542-3931, e-mail  
9 lhogan@cc.state.az.us. Requests should be made as early as possible to allow time to arrange the  
10 accommodation.

## 11 IX.

### 12 ANSWER REQUIREMENT

13 Pursuant to A.A.C. R14-4-305, if respondent requests a hearing, respondent must deliver or  
14 mail an Answer to this Notice of Opportunity for Hearing to Docket Control, Arizona Corporation  
15 Commission, 1200 W. Washington, Phoenix, Arizona 85007, within 30 calendar days after the  
16 date of service of this Notice. A Docket Control cover sheet must accompany the Answer. A  
17 cover sheet form and instructions may be obtained from Docket Control by calling (602) 542-3477  
18 or on the Commission's Internet web site at [www.cc.state.az.us/utility/forms/index.htm](http://www.cc.state.az.us/utility/forms/index.htm).

19 Additionally, respondent must serve the Answer upon the Division. Pursuant to A.A.C.  
20 R14-4-303, service upon the Division may be made by mailing or by hand-delivering a copy of the  
21 Answer to the Division at 1300 West Washington, 3<sup>rd</sup> Floor, Phoenix, Arizona, 85007, addressed  
22 to Pamela T. Johnson.

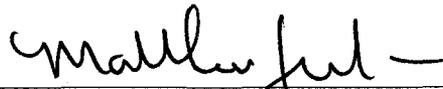
23 The Answer shall contain an admission or denial of each allegation in this Notice and the  
24 original signature of respondent or respondent's attorney. A statement of a lack of sufficient  
25 knowledge or information shall be considered a denial of an allegation. An allegation not denied  
26 shall be considered admitted.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

When respondent intends in good faith to deny only a part or a qualification of an allegation, respondent shall specify that part or qualification of the allegation and shall admit the remainder. Respondent waives any affirmative defense not raised in the answer.

The officer presiding over the hearing may grant relief from the requirement to file an Answer for good cause shown.

Dated this 22 day of December, 2004.



---

Matthew J. Neubert  
Director of Securities

C:\Documents and Settings\pj\Desktop\NOTICE Langfitt.doc

# NEW APPLICATION

## Memorandum

RECEIVED

**DATE:** December 22, 2004  
**TO:** Nancy Cole  
Docket Control  
**FROM:** Pam Johnson  
Securities Division  
**RE:** Scott Erick Langfitt  
Docket No. S-03576A-04-0000  
Assigned Staff  
**CC:** Emie R. Bridges

2004 DEC 22 P 1:47

AZ CORP COMMISSION  
DOCUMENT CONTROL

---

This is to notify you that the following individuals have been assigned to the above-mentioned case.

- Matthew Neubert
- LeRoy Johnson

Pam Johnson (Staff Attorney)

Lindsay Gardner (Staff Investigator)

---