



BEFORE THE ARIZONA CORPORATION COMMISSION

CARL J. KUNASEK
Chairman
JIM IRVIN
Commissioner
WILLIAM A. MUNDELL
Commissioner

Arizona Corporation Commission
DOCKETED

APR 14 2000

DOCKETED BY [Signature]

In the matter of

WILLIAM E. BERGH, individually and d/b/a
NATIONAL FINANCIAL GROUP
13311 North 65th Drive
Glendale, AZ 85304
And
11024 N. 28th Drive, Ste. 200
Phoenix, AZ 85029
CRD 1409200

THOMAS OTTO TABAT
24435 N. 38th Lane
Glendale, AZ 85310
CRD 1011671,

Respondents.

) DOCKET NO. S-03374A-99-0000

) DECISION NO. 62464

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

I.

INTRODUCTION

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

II.

FINDINGS OF FACT

1. TABAT, whose last known address is 24435 N. 38th Lane, Glendale, AZ 85310, was registered with the Commission as a securities salesman with Legacy Financial Services, Inc. (Legacy) from February 1998 to June 1999.

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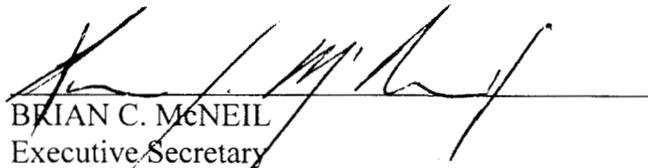
1 4. IT IS FURTHER ORDERED, pursuant to A.R.S. § 44-1962, that TABAT's securities
2 salesman registration is revoked from the date of the Order.

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 4th day of April, 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

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

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

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

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

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

22 6. TABAT consents to the entry of this Order and agrees to be fully bound by its terms
23 and conditions. TABAT further acknowledges that should he fail to comply with the provisions of this
24 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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5 Thomas Otto Tabat
6 THOMAS OTTO TABAT

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9 SUBSCRIBED TO AND SWORN BEFORE me this 24th day of March, 2000.
10 by THOMAS OTTO TABAT.

11 Stacey Beehler
12 NOTARY PUBLIC

13 My Commission Expires:

