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4 STATE OF OREGON
5 DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
6 DIVISION OF FINANCIAL REGULATION

7 In the Matter of:

Case No. S-20-0007

8 MICHAEL SYMAN-DEGLER,

FINAL ORDER TO CEASE AND
DESIST, ORDER ASSESSING
CIVIL PENALTY, AND CONSENT
TO ENTRY OF ORDER

9 Respondent.

10 The Director of the Department of Consumer and Business Services for the State
11 of Oregon (hereinafter “the Director”), acting in accordance with the Oregon Securities
12 Law, Oregon Revised Statutes (“ORS”) 59.005 to 59.451, 59.991 and 59.995, and
13 Oregon Administrative Rules (“OAR”) chapter 441, has investigated the securities
14 salesperson (“salesperson”) and investment adviser representative license applications,
15 and the amendments thereto, of Michael Syman-Degler (“Respondent”).

16 Respondent wishes to resolve this matter with the Director;

17 Now, therefore, as evidenced by the signature subscribed herein, Respondent
18 hereby CONSENTS to the entry of this Order.

19 FINDINGS OF FACT

20 The Director FINDS that:

21 1. Respondent is licensed in Oregon to work as an investment adviser
22 representative for a state investment adviser. Respondent became licensed in Oregon as
23 an investment adviser representative on May 24, 2018. The Central Registration
24 Depository (“CRD”) number for Respondent is #2886918.

25 2. Respondent was licensed in Oregon as a salesperson to work for a broker-
26 dealer from September 13, 2001 to May 24, 2018.

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1 3. In order to become licensed as a salesperson, then as an investment adviser
2 representative, in Oregon, Respondent was required to complete the CRD Uniform
3 Application for Securities Industry Registration or Transfer (“Form U-4”). The Form U-4
4 includes Disclosure Questions, wherein Respondent was required to disclose certain
5 information identified therein, including, but not limited to, the “Financial Disclosure”
6 information set forth in Question 14M of the application. Respondent, as a licensee, has a
7 responsibility to keep the information in the application, including the financial
8 disclosure information, continually updated.

9 4. As part of the salesperson licensing process in Oregon, Respondent completed
10 a Form U-4, including the Financial Disclosure section of the form, on or about
11 September 13, 2001. Respondent filed revisions to his Form U-4 on May 15, 2013,
12 February 20, 2014, March 6, 2014, and August 18, 2015.

13 5. Question 14M of the Form U-4 asks: “Do you have any unsatisfied judgments
14 or liens against you?”

15 6. Respondent answered “no” to Question 14M of Form U-4 when he filed
16 revisions to his Form U-4 on May 15, 2013; February 20, 2014; March 6, 2014; and
17 August 18, 2015.

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7. The following liens and judgments were filed against Respondent:

Row	Type of Action	Judgment / Lien Holder	Date Learned of Judgment/ Lien	Date Disclosed on Form U4	Current Status
1	Lien	IRS	7-1-2012	8-18-2015	Released 8-7-2013
2	Judgment	IRS	6-28-2012	8-2-2017	Released 7-23-2014
3	Lien	IRS	10-15-2012	8-18-2015	Released 7-23-2014
4	Lien	IRS	11-1-2012	8-18-2015	Released 7-23-2014
5	Lien	IRS	12-1-2012	8-18-2015	Released 7-23-2014
6	Lien	IRS	12-1-2012	8-18-2015	Released 7-24-2014
7	Lien	IRS	12-1-2012	8-18-2015	Released 7-24-2014
8	Lien	IRS	12-1-2012	8-18-2015	Released 7-24-2014
9	Lien	IRS	11-30-2012	8-18-2015	Released 8-7-2013
10	Lien	IRS	1-1-2013	8-18-2015	Released 8-7-2013
11	Lien	IRS	6-1-2013	8-18-2015	Released 8-7-2013
12	Judgment	Oregon Revenue Dept.	6-22-2015	12-8-16	Released 11-23-2016

IRS Liens

8. Between June 28, 2012 and February 22, 2013, the U.S. Internal Revenue Service (“IRS”) filed ten liens against Respondent in Lane County, Oregon. Respondent learned of the IRS liens between July 1, 2012 and June 1, 2013.

9. Respondent did not disclose the above-described IRS liens on his salesperson license application, in response to Question 14M of Form U-4, until August 18, 2015, more than 30 days from the date of occurrence.

10. Four IRS liens were released August 7, 2013; three IRS liens were released July 23, 2014; and three IRS liens were released July 24, 2014.

IRS Judgment

11. On June 28, 2012, the IRS filed a judgment against Respondent in Lane

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1 County, Oregon. Respondent learned of the IRS judgment the same day.

2 12. Respondent did not disclose the IRS judgment on his salesperson license
3 application, in response to Question 14M of Form U-4, until August 2, 2017, more than
4 30 days from the date of occurrence.

5 13. The IRS judgment was released July 23, 2014.

6 *Oregon DOR Judgment*

7 14. On June 22, 2015, the Oregon Department of Revenue (“Oregon DOR”) filed
8 a judgment against Respondent in Lane County, Oregon. Respondent learned of the
9 Oregon DOR judgment the same day.

10 15. Respondent did not disclose the Oregon DOR judgment on his salesperson
11 license application, in response to Question 14M of Form U-4, until December 8, 2016,
12 more than 30 days from the date of occurrence.

13 16. The Oregon DOR judgment was released November 23, 2016.

14 **CONCLUSIONS OF LAW**

15 The Director CONCLUDES that:

16 17. Since May 24, 2018, Respondent has been licensed as an “investment adviser
17 representative” in Oregon, as defined by ORS 59.015(8)(a).

18 18. From September 13, 2001 to May 24, 2018, Respondent was licensed in
19 Oregon as a “salesperson”, as defined by ORS 59.015(18)(a).

20 19. Respondent, as a licensed salesperson or investment adviser representative, is
21 required to amend his Oregon license application on Form U-4 “when there are material
22 changes in the information contained in the original application.” ORS 59.175(7), OAR
23 441-175-0105(2) and OAR 441-175-0105(3)(c).

24 20. In accordance with OAR 441-175-0105(2), Respondent is required to amend
25 his Oregon license application within 30 days of the occurrence of any material changes
26 in the information contained in the original application or any amendments thereto.



1 21. Question 14M of the Form U-4, "Financial Disclosure," requires a licensed
2 salesperson and investment adviser representative to disclose liens and judgments.

3 22. Each IRS lien, IRS judgment and Oregon DOR judgment filed against
4 Respondent is a "material change" of the information contained in the original
5 application, as that term is used in ORS 59.175(7) and OAR 441-175-0105(2).

6 23. In twelve instances, Respondent failed to timely file amendments to his
7 Oregon salesperson license application within 30 days of the occurrence of a material
8 change, in violation ORS 59.175(7) and OAR 441-175-0105(2).

9 **ORDERS**

10 The Director issues the following ORDERS:

11 24. In accordance with ORS 59.245(4), Respondent is hereby ORDERED to
12 CEASE AND DESIST from failing to timely file a required amendment to his Oregon
13 salesperson or investment adviser representative license application after a material
14 change to the information contained in the application, as required by ORS 59.175(7) and
15 OAR 441-175-0105(2).

16 25. In accordance with ORS 59.995, the Director may assess CIVIL PENALTIES
17 in an amount not to exceed \$20,000 per violation against persons who violate the Oregon
18 Securities Law. In the case of a continuing violation, each day's continuance is a separate
19 violation, but the maximum penalty for any continuing violation shall not exceed
20 \$100,000.

21 26. In accordance with ORS 59.995(1), the Director hereby ORDERS Respondent
22 to pay a CIVIL PENALTY in the total amount of \$5,000 for violations of ORS 59.175(7)
23 and OAR 441-175-0105(2).

24 27. The Director SUSPENDS the collection of \$4,000 of the civil penalty
25 assessed above, so long as Respondent complies with all terms and conditions of this
26 Order and all requirements of the Oregon Securities Law. If Respondent complies with



1 the terms of this Order and the Director has not initiated an enforcement action for new
2 violations of the Oregon Securities Law during the three-year period from the effective
3 date of this Order, the Director WAIVES the collection of the suspended CIVIL
4 PENALTY assessed herein.

5 28. Respondent must pay \$1,000 of the civil penalty at signing, prior to the entry
6 of this Order.

7 29. The Director reserves the right to immediately take enforcement action,
8 pursuant to the procedures set forth in ORS 183.745, to impose the suspended CIVIL
9 PENALTY if Respondent violates any term of this Order.

10 30. This Order is a “Final Order” under ORS 183.310(6)(b). Subject to that
11 provision, the entry of this Order does not limit other remedies that are available to the
12 Director under Oregon law.

13 SO ORDERED this 30th day of March, 2020.

14 LOUIS SAVAGE, Acting Director
15 Department of Consumer and Business Services

16
17 /s/ Dorothy Bean

18 Dorothy Bean, Chief of Enforcement
19 Division of Financial Regulation

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CONSENT OF MICHAEL SYMAN-DEGLER TO ENTRY OF ORDER

I, Michael Syman-Degler, state that I am a resident of the State of Oregon, that I have read the foregoing Order and that I know and fully understand the contents hereof; that the factual allegations stated herein are true and correct; that I have been advised of my right to a hearing, and that I have been advised of my right to be represented by counsel in this matter; that I voluntarily consent to the entry of this Order without any force or duress, expressly waiving any right to a hearing in this matter; that I understand that the Director reserves the right to take further actions against me to enforce this Order or to take appropriate action upon discovery of other violations of the Oregon Securities Law by me; and that I will fully comply with the terms and conditions stated herein.

I understand that this Order is a public document.

/s/Michael Syman-Degler
Michael Syman-Degler

State of Oregon

County of Lane

Subscribed and affirmed before me by Michael Syman-Degler this 16th day of March, 2020.

/s/ Diana Margarete Murphy
Signature of Notary Public

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