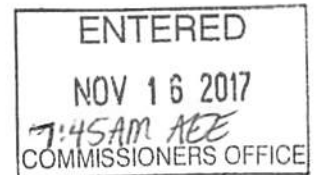


COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
ADMINISTRATIVE ACTION NO. 17-AH-00016



DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

**AGREED ORDER**

DONALD EUGENE BENTLEY

RESPONDENT

\*\*\*\*\*    \*\*\*\*\*    \*\*\*\*\*    \*\*\*\*\*    \*\*\*\*\*

**FINDINGS OF FACT**

1. The Kentucky Department of Financial Institutions, (“DFI”) is responsible for administering the provisions of Kentucky Revised Statutes (“KRS”) Chapter 292, the Securities Act of Kentucky (“the Act”), as well as any applicable rules and regulations enacted thereunder.

2. Donald Eugene Bentley (“Bentley”), CRD# 2882828, was employed by Lincoln Financial Securities Corporation (“Lincoln”) as an agent from May 20, 1998 to April 1, 2011 and as an investment adviser representative with Lincoln from August 25, 1998 to April 1, 2011. He subsequently affiliated with Global Financial Private Capital, LLC (“Global”), an SEC Registered Adviser, as an investment adviser representative. Bentley was affiliated with Global from April 15, 2011 until January 13, 2017. His current work address is 2704 Old Rosebud Rd, Suite 180, Lexington, KY 40509.

3. On July 15, 2016, the DFI received an investment adviser application through the Central Registration Depository (“CRD”) for FWG Investments, LLC, (“FWG”). In conjunction

with FWG's application, the DFI also received an investment adviser representative application for Bentley. Bentley's registration was conditionally approved pending successful completion of his Series 65 examination.

4. During the application process, the DFI discovered that Bentley failed to disclose five (5) Federal Tax Liens (the "Liens") on his Form U4. This resulted in Form U4s with false or misleading information being filed through the CRD on six (6) separate occasions: April 1, 2011, April 15, 2011, October 20, 2015, July 12, 2016, July 15, 2016, and August 12, 2016.

5. Bentley was required to disclose the Liens pursuant to question #14M on the Form U4. Each time Bentley filed a Form U4, he failed to disclose the Liens and affirmatively attested that his answers were true and complete to the best of his knowledge. Bentley also acknowledged each time that he would be subject to administrative, civil, or criminal penalties if he supplied false or misleading answers on the Form U4. Bentley's failure to report the Liens resulted in false filings being reported to the CRD by three (3) different companies: Lincoln, Global, and FWG.

6. Based upon the facts, as set forth in paragraphs two (2) through five (5) above, the DFI has alleged that Respondent violated the Act.

#### **STATUTORY AUTHORITY**

7. Pursuant to **KRS 292.337(1)**:

The commissioner may deny, refuse to renew, suspend, or revoke the registration of any broker-dealer, agent, investment adviser, or investment-adviser representative. The commissioner may bar, censure, or place on probation any registrant or any officer, director, partner, or person occupying a similar status or performing similar functions for a registrant, or restrict, condition, or limit a registrant as to any function or activity of the business for which registration is required in this state. The commissioner may take any of the foregoing actions for any reason set forth in subsection (2) of this section.

Pursuant to **KRS 292.337(2)(a)**:

For actions taken in subsection (1) of this section, the commissioner shall find that it is in the public interest and further find that the applicant or registrant or, in the case of a broker-dealer, or investment adviser, any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer or investment adviser: Has filed an application for registration under this chapter which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in the light of the circumstances under which it was made, false or misleading with respect to any material fact;

8. Pursuant to **KRS 292.440**:

It is unlawful for any person to make or cause to be made, in any document filed with the commissioner or the commissioner's designee or in any proceeding under this chapter, any statement which is, at the time and in the light of the circumstances under which it is made, false or misleading in any material respect.

9. The Commissioner possesses a range of administrative authority in addressing violations of the Act, including the imposition of fines up to twenty thousand dollars (**\$20,000.00**) for each violation of the Act. (See **KRS 292.470** and **KRS 292.500**).

10. The Commissioner hereby finds that this Agreed Order is in the public interest.

#### **CONCLUSIONS OF LAW**

11. Respondent violated **KRS 292.337(2)(a)**.

12. Respondent violated **KRS 292.440**.

## AGREEMENT AND ORDER

13. In the interest of economically and efficiently resolving this matter without litigation or adversarial proceedings, the DFI and Bentley agree to settle all claims arising from the above referenced findings of fact in accordance with the terms set forth herein below.

14. The DFI and Bentley hereby agree as follows:

a. Donald Eugene Bentley shall pay a fine in the amount of five-thousand dollars (\$5,000). This amount shall be due in full when this Agreed Order is tendered to the DFI.

b. Payment shall be in the form of a certified check or money order made payable to the "Kentucky State Treasurer" and mailed to the Department of Financial Institutions, Securities Division – Order, 1025 Capital Center Drive, Suite 200, Frankfort, KY 40601.


15. Bentley waives his right to demand a hearing at which he would be entitled to legal representation, to confront and cross-examine witnesses, and to present evidence on his own behalf, or to otherwise appeal or set aside this Agreed Order.

16. Bentley acknowledges and consents to the DFI's jurisdiction over this matter and also acknowledges that this Order is a matter of public record and may be disseminated as such.

17. In consideration of the execution of this Agreed Order, Bentley, for himself and for his successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, the DFI, Office of Legal Services, and each of their members, agents, and employees in their individual capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, in law or in equity, that Bentley, ever had, now has, may have or claim to have against any or all of the parties named in this paragraph arising out of or by reason of this Agreed Order.

18. By signing below, the parties acknowledge they have read the foregoing Agreed Order, know and fully understand its contents, and that they are authorized to enter into and execute this Agreed Order and legally bind the respective parties. This Agreed Order shall constitute the final resolution of this matter.

**AGREED** on this the 15<sup>th</sup> day of November, 2017.

  
\_\_\_\_\_  
CHARLES A. VICE  
COMMISSIONER  
DEPARTMENT OF FINANCIAL INSTITUTIONS

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

**Consented to:**

This 15 day of November, 2017.



Shonita Bossier, Director  
Division of Securities  
Department of Financial Institutions

**AND**

This 8th day of November, 2017.



Donald Eugene Bentley, CRD# 2882828

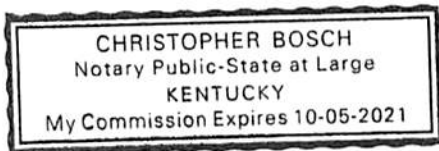
**ACKNOWLEDGEMENT**

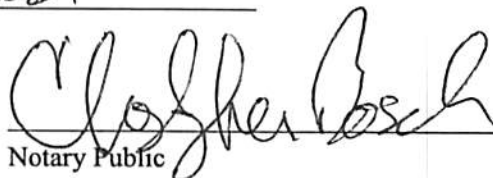
COMMONWEALTH OF KENTUCKY )

COUNTY OF Fayette )

On this the 8th day of November, 2017, before me  
Christopher Bosch, Notary Public, the undersigned, **Donald Eugene Bentley**, did personally appear and acknowledge, that being authorized to do so, he did enter into and execute the foregoing instrument for the purposes therein contained.

My Commission Expires: 10/5/2021



  
Notary Public

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this Agreed Order was served as follows:

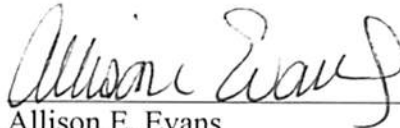
By Certified Mail Return Receipt Request to:

Donald Eugene Bentley  
FRG Investments, LLC  
2704 Old Rosebud Road, Suite 180  
Lexington, KY 40509

By Hand-Delivery to:

Hon. Gary W. Adkins  
Kentucky Department of Financial Institutions  
1025 Capital Center Drive, Suite 200  
Frankfort, KY 40601

On this 16<sup>th</sup> day of November, 2017.



\_\_\_\_\_  
Allison E. Evans  
Kentucky Department of Financial Institutions  
1025 Capital Center Drive, Suite 200  
Frankfort, KY 40601