

ENTERED  
AUG 30 2019  
APZ 10:30AM  
COMMISSIONERS OFFICE

COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
AGENCY CASE NO. 2019-AH-00044

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

AGREED ORDER

ROBERT JEROME BOUHL

RESPONDENT

BACKGROUND

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 the rules and regulations enacted thereunder.

2. Respondent Robert Jerome Bouhl ("Bouhl") is an investment advisor representative; his address is 7106 Shefford Lane West, Louisville, KY 40242. He was previously employed by Sterling Financial Group (hereinafter "Sterling"). He is currently employed by Meridian Wealth Management, LLC (hereinafter "Meridian").

3. On April 27, 2017, DFI opened an investigation into Bouhl's activities after DFI's Division of Securities (the "Division") received investor complaints alleging that Bouhl's clients had been doubled-billed after Bouhl left his employment as an investment advisor representative at Sterling on January 20, 2017, and moved to a position as an investment advisor representative at Meridian on February 1, 2017.

4. During the investigation, DFI determined that Bouhl's clients had been provided with a copy of their contracts with Sterling; but that Bouhl failed to point out - to at least some of his clients - a provision in Sterling's contract requiring customers to give a thirty (30) day advance notice in order

to terminate their agreements with Sterling. DFI determined that Bouhl did not inform every client of this provision until after they moved their accounts to Meridian. Bouhl stated that he did not believe that Sterling was legally entitled to charge his clients for services it did not provide and therefore he did not advise his clients to send termination letters until a month after the accounts were moved from Sterling.

#### **STATUTORY AUTHORITY**

5. KRS 292.320(2), states that "[i]t is unlawful for any person who receives any consideration from another person primarily for advising the other person as to the value of securities or their purchase or sale, whether through the issuance of analyses or reports or otherwise:

- (a) To employ any device, scheme, or artifice to defraud the other person; or
- (b) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon the other person."

#### **CONCLUSIONS OF LAW**

6. The DFI determined that the Respondent violated KRS 292.320(2), when he failed to timely point out to some of his clients the thirty (30) day provision in the Sterling contract, and failed to timely provide advice regarding how to avoid being double-billed before clients moved their accounts to Meridian.

#### **AGREEMENT AND ORDER**

7. The DFI and Respondent, in the interest of economically and efficiently resolving this matter, and without Respondent admitting or denying the statements of fact and legal conclusions herein, and the parties agreeing that the entry into this Agreed Order shall not constitute an admission by Respondent that he violated KRS 292.320(2), DFI and Respondent agree as follows:

a. Respondent agrees to pay restitution in the amount of eight thousand nine hundred eighteen dollars and twenty-one cents (\$8,918.21) to the effected investors. The Respondent agrees to pay restitution to the effected investors within thirty (30) days of the entry of the agreed order. The respondent will provide evidence to the Division that restitution has been paid.

b. Respondent shall cease and desist from any further violations of the Act.

8. Respondent 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.

9. Respondent consents to and acknowledges the jurisdiction of DFI over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.

10. In consideration of execution of this Agreed Order, Respondent for himself, and for his successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, 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 equity, that Respondent ever had, now have, may have or claim to have against any or all of the persons or entities named in this paragraph arising out of or by reason of this investigation, this disciplinary action, this settlement or its administration.

11. 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 their respective parties.

12. This Agreed Order shall constitute the Final Order in this matter.

IT IS SO ORDERED on this the 30<sup>th</sup> day of August, 2019.

Walter R. Gibson Deputy Commissioner  
CHARLES A. VICE  
COMMISSIONER  
for Charles A. Vice

**Consented to:**

*On behalf of the Department of Financial Institutions,*

This 29<sup>th</sup> day of August, 2019.

Chad K. Harden

Director  
Division of Securities  
Department of Financial Institutions

**AND**

*On behalf of himself*

This 26 day of August, 2019.

Robert Jerome Bouhl

Robert Jerome Bouhl

**ACKNOWLEDGEMENT**

COMMONWEALTH OF KENTUCKY

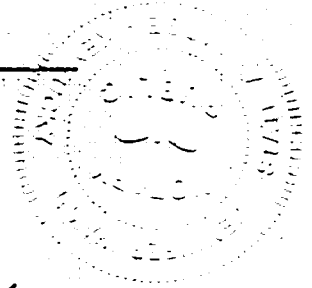
COUNTY OF Jefferson

On this the 26 day of August, 2019, before me Jennifer C. Wayne,

Robert Jerome Bouhl personally appeared and acknowledged himself to be the Respondent named herein, and acknowledged that he entered into and executed the foregoing instrument for the purposes therein contained.

My Commission Expires: October 29, 2019

Jennifer C. Waibel  
Notary Public



**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Agreed Order was sent on this the 30<sup>th</sup> day  
of August, 2019, by certified mail, return receipt requested, to:

Hon. Robert Moore  
Stites and Harbison, PLLC  
421 West Main Street  
P.O. Box 634  
Frankfort, KY 40602-0634  
*Counsel for Respondent*

And by Hand-Delivery to:

Kathryn Adams-Cornett  
1025 Capital Center Drive, Suite 200  
Frankfort, KY 40601  
*Counsel for Department of Financial Institutions*

Allison Reed  
Kentucky Department of Financial Institutions