

STATE OF ALABAMA
ALABAMA SECURITIES COMMISSION

IN THE MATTER OF:)
JON LINDBERG)
FIRST ADVISORS CAPITAL, INC.) ADMINISTRATIVE ORDER
NO. OV- 2019-0015)
RESPONDENTS)

ORDER TO VACATE

The Alabama Securities Commission ("Commission"), having the authority to administer and provide for the enforcement of all provisions of Title 8, Chapter 6, Code of Alabama 1975, the Alabama Securities Act ("Act"), upon due consideration of the subject matter hereof, has determined as follows:

RESPONDENTS

1. **JON LINDBERG** (“**LINDBERG**”), who has the Central Registration Depository (hereafter “**CRD**”) #: 1085475, was previously registered as a Broker Dealer Agent in Alabama from August 22, 1986 until April 27, 1989 with Transamerica Financial Advisors, Inc. (“**TFAI**”) (**CRD** # 3600). Subsequently, he was registered with ProEquities, INC. (“**PEI**”) (**CRD** # 15708) from August 2, 1989 until August 10, 2018. **LINDBERG** was also registered as an Investment Adviser Representative from August 8, 2000 until July 24, 2009 with **PEI**. **LINDBERG** has been continuously registered as an Investment Adviser Representative with **FIRST ADVISORS CAPITAL, INC.** (**CRD** # 149832) since July 24, 2009. During all times relevant to the offer and sale of the securities described herein, **LINDBERG** represented himself as chief executive officer and principal of **FIRST ADVISORS CAPITAL, INC.** with a business address of 4956 Valleydale Road, Suite 203, Birmingham, AL 35242.

2. **FIRST ADVISORS CAPITAL, INC.** (“FAC”), is an Alabama domestic corporation. FAC has been registered in the State of Alabama as an Investment Adviser since May 4, 2012. During all times involving the offer and sale of the securities described herein,

FAC was an Alabama corporation with a business address of 4956 Valleydale Road, Suite 203, Birmingham, AL 35242.

STATEMENT OF FACTS

3. During June 26 and 27, 2018, the Commission staff conducted the on-site portion of a routine audit of the office of **FAC**. While on-site, the Commission staff obtained numerous documents from the firm and conducted an interview of **LINDBERG**.

4. On April 2, 2019, Show Cause No. SC-2019-0015 was issued to **LINDBERG** and **FAC** ordering respondents to show cause why sanctions should not be imposed for the purported failure to report certain disciplinary disclosures and the alleged failure to establish, maintain, and enforce compliance procedures.

5. Following the issuance of the SC-2019-0015, **LINDBERG** met with the Commission staff and cooperated with the examination of **FAC**'s policies and procedures.

6. On June 21, 2019, **LINDBERG** became incapacitated and is no longer able to manage **FAC** or service **FAC**'s clients.

7. By letter dated July 23, 2019, the Commission staff was notified that **LINDBERG** has requested the termination of his license and that **FAC** is merging with another firm.

8. In that respondents will no longer be registered to do business in Alabama following the merger of **FAC** and the withdrawal of **LINDBERG**'s registration, the issues raised in SC-2019-0015 are now moot. Further, the findings of fact contained in SC-2019-0015 have not been adjudicated nor have any defenses raised against such findings been evaluated or adjudicated.

This Order is appropriate in the public interest for the protection of investors and consistent with the purposes of the Alabama Securities Act.

This Order does not prevent the Commission from seeking such other civil or criminal remedies that may be available to it under the Alabama Securities Act.

This Order does not constitute a finding of fact as to any of the allegations set forth in SC-2019-0015. The decision to vacate SC-2019-0015 is based solely on the fact that further examination or remedy is no longer relevant. This Order may not be construed to preempt, foreclose or prejudice any private remedy or cause of action.

ACCORDINGLY, IT IS HEREBY ORDERED that **SHOW CAUSE SC-2019-0015** issued on April 2, 2019, is hereby vacated.

Entered at Montgomery, AL, this 20th day of August, 2019.

ALABAMA SECURITIES COMMISSION
445 Dexter Avenue, Suite 12000
Montgomery, AL 36104
(334) 242-2984

BY:

Joseph P. Borg
Director

