

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 72209 / May 21, 2014

INVESTMENT ADVISERS ACT OF 1940
Release No. 3837 / May 21, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-15879

In the Matter of

STEVEN B. HEINZ,

Respondent.

ORDER INSTITUTING
ADMINISTRATIVE PROCEEDINGS
PURSUANT TO SECTION 15(b) OF THE
SECURITIES EXCHANGE ACT OF 1934
AND SECTION 203(f) OF THE
INVESTMENT ADVISERS ACT OF 1940,
MAKING FINDINGS, AND IMPOSING
REMEDIAL SANCTIONS

I.

The Securities and Exchange Commission (“Commission”) deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted pursuant to Section 15(b) of the Securities Exchange Act of 1934 (“Exchange Act”) and Section 203(f) of the Investment Advisers Act of 1940 (“Advisers Act”) against Steven B. Heinz (“Heinz” or “Respondent”).

II.

In anticipation of the institution of these proceedings, Respondent has submitted an Offer of Settlement (the “Offer”) which the Commission has determined to accept. Solely for the purpose of these proceedings and any other proceedings brought by or on behalf of the Commission, or to which the Commission is a party, Respondent admits the Commission’s jurisdiction over him and the subject matter of these proceedings, and the findings contained in Section III.2 below, and consents to the entry of this Order Instituting Administrative Proceedings Pursuant to Section 15(b) of the Securities Exchange Act of 1934 and Section 203(f) of the Investment Advisers Act of 1940, Making Findings, and Imposing Remedial Sanctions (“Order”), as set forth below.

III.

On the basis of this Order and Respondent's Offer, the Commission finds that:

1. Heinz is the owner, President and CEO of S.B. Heinz & Associates, Inc. ("S.B. Heinz"). From 1986 through March 2004, Heinz was associated as a representative with Northwestern Mutual Investment Services, LLC, a registered broker dealer. From April 2004 until October 2012, Heinz was a registered representative associated with Ogilvie Security Advisors Corp., a registered broker dealer and investment adviser until October 29, 2012. From approximately January 2012 and continuing through August 8, 2013, Heinz provided investment advice to and solicited investments from individuals. Heinz received compensation for providing investment advice and acted as an investment adviser.

2. On April 28, 2014, a judgment was entered by consent against Heinz, permanently enjoining him from future violations of Section 17(a) of the Securities Act of 1933, Section 10(b) of the Exchange Act and Rule 10b-5 thereunder, and Sections 206(1) and 206(2) of the Advisers Act, in the civil action entitled Securities and Exchange Commission v. Steven B. Heinz, et al., Civil Action Number 2:13-CV-00753, in the United States District Court for the District of Utah. The order also required Heinz to pay disgorgement and prejudgment interest of \$3,656,675.84.

3. The Commission's complaint alleged that Heinz provided investment advice and offered and sold investment contracts to more than fifteen advisory clients, family members, and friends raising approximately \$4 million, through his company S.B. Heinz, representing that he would invest in securities and execute rapid buy and sell orders of futures contracts. The complaint further alleged that investor funds were used to falsely create the appearance of a successful investment business although S.B. Heinz has actually lost approximately \$1.5 million executing Heinz's high risk futures contract trading activities. In addition, the complaint alleged that Heinz paid "returns" to earlier investors using new investor funds, used investor funds for his own personal purposes and that S.B. Heinz used investor funds to pay business expenses, including the salary for its secretary and its office rent.

IV.

In view of the foregoing, the Commission deems it appropriate and in the public interest to impose the sanctions agreed to in Respondent Heinz's Offer.

Accordingly, it is hereby ORDERED pursuant to Section 15(b)(6) of the Exchange Act and Section 203(f) of the Advisers Act that Respondent Heinz be, and hereby is:

barred from association with any broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization; and barred from participating in any offering of a penny stock, including: acting as a promoter, finder, consultant, agent or other person who engages in activities

with a broker, dealer or issuer for purposes of the issuance or trading in any penny stock, or inducing or attempting to induce the purchase or sale of any penny stock.

Any reapplication for association by the Respondent will be subject to the applicable laws and regulations governing the reentry process, and reentry may be conditioned upon a number of factors, including, but not limited to, the satisfaction of any or all of the following: (a) any disgorgement ordered against the Respondent, whether or not the Commission has fully or partially waived payment of such disgorgement; (b) any arbitration award related to the conduct that served as the basis for the Commission order; (c) any self-regulatory organization arbitration award to a customer, whether or not related to the conduct that served as the basis for the Commission order; and (d) any restitution order by a self-regulatory organization, whether or not related to the conduct that served as the basis for the Commission order.

By the Commission.

Jill M. Peterson
Assistant Secretary