

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES AND EXCHANGE ACT OF 1934
Release No. 85013 / January 31, 2019

INVESTMENT ADVISERS ACT OF 1940
Release No. 5104 / January 31, 2019

ADMINISTRATIVE PROCEEDING
File No. 3-17856

In the Matter of

John Austin Gibson, Jr.,

Respondent.

**ORDER MAKING FINDINGS AND
IMPOSING REMEDIAL SANCTIONS
AGAINST JOHN AUSTIN GIBSON, JR.
PURSUANT TO SECTION 15(b) OF THE
SECURITIES EXCHANGE ACT OF 1934
AND SECTION 203(f) OF THE
INVESTMENT ADVISERS ACT OF 1940**

I.

On February 23, 2017, the Securities and Exchange Commission (“Commission”) instituted public administrative proceedings against John Austin Gibson, Jr. (“Gibson” or “Respondent”) 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”).

II.

After institution of these proceedings, the Respondent 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 paragraph III.2 below and consents to the entry of this Order Making Findings and Imposing Remedial Sanctions Against John Austin Gibson, Jr. Pursuant to Section 15(b) of the Securities Exchange Act of 1934 and Section 203(f) of the Investment Advisers Act of 1940 (“Order”), as set forth below.

III.

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

1. Gibson, age 33 was registered with the State of Louisiana as an investment adviser between February 20, 2008 and March 27, 2009. Gibson was associated with MetLife Securities Inc. (“MetLife”), a dually-registered broker-dealer and investment adviser, from October 2007

until March 2009 when he resigned after issues were raised pertaining to certain signature irregularities. Thereafter, Gibson continued to act as an unregistered investment adviser.

2. On July 18, 2016, Gibson pleaded guilty and was convicted of mail fraud in the United States District Court for the Eastern District of Louisiana, in violation of Title 18, United States Code, Section 1341. *USA v. John Gibson*, Crim. No. 2:16-cr-00103-SSV-DEK (E.D. La. July 18, 2016). On March 22, 2017, Gibson was sentenced to 18 months imprisonment, a three-year term of supervised release, and restitution of \$213,597.35.

3. In his plea agreement, Gibson stipulated that from approximately 2008 through 2014, he held himself out to investors as a MetLife representative and an Allianz agent capable of establishing and monitoring investment accounts with those companies. Gibson solicited and accepted approximately \$169,348 from five investors. Instead of investing his clients' money as promised, Gibson simply used the funds for his own personal enjoyment. In order to perpetrate his fraudulent scheme, Gibson mailed to his victims various false and fraudulent account statements and checks and money orders for "withdrawals" from the non-existent accounts.

IV.

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

Pursuant to Section 15(b)(6) of the Exchange Act, Respondent Gibson be, and hereby is 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.

For the Commission, by its Secretary, pursuant to delegated authority.

Brent J. Fields
Secretary