

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 3918 / September 12, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-16103

In the Matter of

SEAN MICHAEL MUELLER,

Respondent.

ORDER INSTITUTING
ADMINISTRATIVE PROCEEDINGS
PURSUANT TO 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 203(f) of the Investment Advisers Act of 1940 (“Advisers Act”) against Sean Michael Mueller (“Mueller” 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 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. From April 2000 to December 2005, Mueller was associated with an investment adviser registered with the state of Colorado. Mueller, age 45, is a resident of Canon City, Colorado.

2. On November 1, 2010, Mueller pled guilty to one count of securities fraud in violation of Colo. Rev. Stat. § 11-51-501(1), a class three felony, one count of theft of \$15,000 or more in violation of Colo. Rev. Stat. § 18-4-401, a class three felony, and one count of racketeering activity, in violation of the Colorado Organized Crime Control Act, Colo. Rev. Stat. §18-17-104(3), a class two felony, before the District Court, City and County of Denver, Colorado, in People v. Sean Michael Mueller, Case No. 2010CR10319 (2010). On December 6, 2010, a judgment in the criminal case was entered against Mueller. Mueller was sentenced to 40 years in prison, and ordered to pay \$74,223,803.94 in restitution.

3. The securities fraud count to which Mueller pled alleged that, between January 1, 2001 and April 26, 2010, Mueller in connection with the offer, sale, or purchase of a security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of material fact or omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading. The theft count to which Mueller pled alleged that, between January 1, 2001 and June 30, 2007, Mueller unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value – namely, money – with the value of \$15,000 or more, without authorization, or by threat or decision, and intended to deprive investors permanently of its use or benefit or knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive investors of its use or benefit. The racketeering count to which Mueller pled alleged that, between January 1, 2001 and April 26, 2010, Mueller, while employed by or associated with entities associated with him, unlawfully, feloniously, and knowingly conducted or participated, directly or indirectly, in the enterprise through a pattern of racketeering activity.

4. At the time of the misconduct for which he was convicted, Mueller was associated with a state-registered investment adviser.

IV.

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

Accordingly, it is hereby ORDERED pursuant to Section 203(f) of the Advisers Act that Respondent Mueller be, and hereby is barred from association with any investment adviser, broker, dealer, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization.

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