

# INVESTMENT ATTORNEYS

SUNTRUST PLAZA • 201 ALHAMBRA CIRCLE • SUITE 1050 • CORAL GABLES, FLORIDA 33134

August 7, 2019

Mr. Ryan West  
Chief of Staff  
Department of Financial Services  
PL 11, The Capitol  
Tallahassee, FL 32399-0301

Re: Application for Commissioner, Office of Financial Regulation

Dear Mr. West:

Please accept my résumé, C.V., and this cover letter as my application for the position of Commissioner of Financial Regulation.

Florida's Commissioner of Financial Regulation needs to be both a leader and a team player, a visionary yet a subordinate, and a person with sensitivity to the needs of the government, the people, and the regulated financial community. Florida is an ever-changing political and cultural melting pot. Its financial regulatory system was built in an era when the elderly were a target of scams, but now there is a middle-aged and younger population with their own economic and social needs, including the need for jobs and quality education -- including financial education. And Florida is booming with startup businesses while there is no in-state capital market to support their corporate growth needs. Florida's Commissioner of Financial Regulation needs to be out in front of these issues, able to advise the Chief Financial Officer appropriately, and set the tone and pace for the Office of Financial Regulation statewide.

While I help my regulated entity, entrepreneurial, and investor clients everyday with their varying financial sector needs and issues, including compliance and litigation needs, I can help a lot more people from a government policy and regulatory oversight position. I would like my legacy to reflect that I stepped up to the plate and tried to make Florida a better place for my children and the generations after them. My eleven years of state and federal (Securities and Exchange Commission) law enforcement service, eighteen years of private sector securities counseling and litigation experience (including two years of representing consumer mortgage secondary market investors), five years of lecturing on securities law topics to attorneys and entrepreneurs, authoring a book for entrepreneurs, and my decades of civic service make me a balanced candidate for a position on your staff. In addition, I have managed and supervised government and private sector employees, run a business (my law practice) for thirteen years, and raised a family, all of which I believe are part of the skill set of a qualified Commissioner. I have skin in the game in Florida, having lived and worked here for more

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than thirty years. I will land running. I would like to be part of Florida's future in a big way. And I would like to be on your staff.

Thank you for the opportunity to submit an application. I look forward to meeting you in person for my interview.

Very truly yours,

s/ RUSSELL C. WEIGEL, III

## Curriculum Vitae

Mr. Weigel founded Russell C. Weigel, III, P.A. (d/b/a InvestmentAttorneys) in 2005 and is a securities lawyer with over 25 years of legal experience. His securities transactional and litigation practice is focused on advising public and private company clients on capital raising transactions, preparing their SEC reports and registration statement filings, taking companies public, and defending corporate executives and financial professionals involved in shareholder/investor corporate litigation and securities litigation claims, securities arbitrations, and SEC and state securities enforcement matters.

Prior to establishing this firm in 2005, for five years Mr. Weigel worked as a securities transactional and securities litigation attorney in private practice successively for two law firms where he assisted and advised on public company mergers, general corporate and securities regulatory compliance matters, defense of NYSE and SEC investigations, and prosecuted and defended securities arbitration and civil litigation matters.

Between 1990 and 2001, Mr. Weigel worked for the Securities and Exchange Commission as an enforcement attorney, serving in management, investigation, and litigation roles. Mr. Weigel supervised and conducted investigations and litigated civil injunctive and administrative proceedings nationwide on behalf of the SEC, most involving allegations of fraud, sales of unregistered non-exempt securities, or regulatory compliance violations by stock promoters, public companies, broker dealers, investment advisers, and stock transfer agents, among others. Mr. Weigel also supervised investigations and litigated cases involving securities issuers' Ponzi schemes and false financial reporting.

Prior to his SEC experience, between 1989-1990, Mr. Weigel served as a Florida assistant state attorney where he tried bench and jury trials in criminal prosecutions.

Mr. Weigel is an AV-rated\* securities attorney, the highest rating offered by Martindale-Hubbell, and is the author of a recently published book written for entrepreneurs and executives on raising capital and limiting litigation risk when doing so. The book is available in stores and online at [www.CapitalForKeeps.com](http://www.CapitalForKeeps.com). In January 2019, Mr. Weigel received the "Top 5 EB-5 Litigators" award based upon a poll conducted by *EB5 Investors Magazine*. Since December 2017, Mr. Weigel has been a faculty member of CEO Space ([www.ceospaceinternational.com](http://www.ceospaceinternational.com)) and teaches students the legalities of capital raising compliance. Mr. Weigel also routinely teaches CLE events for lawyers on topics related to securities law compliance, including a 6-hour video webinar on private placement agreements, which includes one-hour of ethics instruction.

### *Practice Areas*

- Investment Due Diligence
- Corporate Law
- Corporate Finance Regulatory Compliance
- Securities Transaction Compliance
- SEC Enforcement Defense
- FINRA Enforcement Defense
- Corporate Investigations

- Private Placement Offering Documents and Compliance
- Crowdfunding Issuer and Funding Platform Compliance
- Blue Sky Compliance
- Initial Public Offerings
- Securities Registration
- SEC Disclosure and Reporting Compliance
- Broker-Dealer Registration
- Investment Adviser Registration
- EB-5 Securities Compliance
- Broker-Dealer Arbitration Business Litigation
- Commercial Litigation
- Securities Arbitration
- Securities Litigation
- Commodities Arbitration
- Shareholder Derivative Actions

### *Education*

B.A., Vanderbilt University (1986);  
J.D., University of Miami School of Law (1989).

### *Bar Admission*

Florida (1989), District of Columbia (1990), and New York (2001);  
U.S. District Courts for the Southern District of Florida, Middle District of Florida, and Northern District of Florida;  
U.S. District Courts for the Eastern District of New York and Southern District of New York;  
U.S. District Court for the Eastern District of Michigan;  
U.S. Court of Appeals for the Eleventh Circuit;  
U.S. Court of Appeals for the District of Columbia Circuit.

### *Community Service*

Mr. Weigel serves his local community through continuous service to the Miami Rescue Mission and to Calvary Chapel Miami Beach, Inc. and is an active supporter of the Christian Family Coalition.

**RUSSELL C. WEIGEL, III**  
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**201 Alhambra Circle**  
**Coral Gables, Florida 33134**  
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**RUSSELL C. WEIGEL, III, P.A. d/b/a InvestmentAttorneys**, Coral Gables, Florida. *President*, May 2005 to present.

- Prepared SEC quarterly and annual reports and securities offering documents for public and private companies.
- Served as outside general counsel to public and private companies. Counseled on business combination transactions between private and public companies, re-domicile transactions, and state blue sky matters.
- Counselor to registered investment advisers, commodity trading advisers, securities and insurance brokers and securities promoters on disclosure matters, securities sale restrictions, and state license matters.
- Drafted private placement agreements and related documents, corporate governance packages, employment, joint-venture, and technology purchase agreements; and Rule 144 opinions.
- Successfully litigated ground-breaking defense case through appeal against SEC holding that disgorgement is a civil forfeiture subject to statute of limitations, resulting in dramatic change to SEC enforcement policy on disgorgement claims.
- Litigated claim against State of Florida to repair client's blown re-domicile transaction.
- Prosecuted and defended general commercial and securities claims in Florida, New York, and Kentucky courts. Defended federal court securities claims brought by the SEC in federal courts in Florida, Michigan, and New York.
- Prosecuted and defended FINRA Dispute Resolution and National Futures Association securities and commodities arbitrations. Defended non-public investigations by the SEC, CFTC, DOJ, NYSE, FINRA and various state securities agencies of public and private companies and their officers and directors.
- Supervised associate, paralegals, and law clerks.

**CARLTON FIELDS, P.A.**, Miami, Florida. *Shareholder*, January 2004 to April 2005. Securities & Derivative Litigation Practice Group.

Counselor to registered investment advisers and securities promoters.

Defended federal court securities claims brought against:

- Allstate Life Insurance Company as a variable annuity issuer;

- Wachovia Bank, N.A.'s wealth management division (through jury trial);

Defended non-public investigations by the SEC of public and private companies and their officers and directors.

**MONTELLO & KENNEY, P.A.**, Miami, Florida. *Of Counsel*, February 2001 to January 2004.

Counsel to:

- *Public company clients* on merger and acquisition transactions, securities trading, disclosure, and general corporate matters;
- *Securities industry and public clients*, including representation in: regulatory investigations, regulatory compliance, investment litigation and arbitration, and general corporate matters; and
- *Institutional and other clients* in general commercial litigation and licensing matters.

**U.S. SECURITIES AND EXCHANGE COMMISSION**, Miami Regional Office, Miami, Florida.

(1990-2001) *Special Counsel (trial unit), Branch Chief (enforcement), Staff Attorney and Senior Counsel*

- \* Litigated civil, bankruptcy, and administrative actions involving Ponzi schemes and fraud in the offering of securities, false filings, false financial reporting, false advertising, misappropriations, and sales of unregistered securities.
- \* Four-year supervisor of enforcement legal and accounting staff.
- \* Investigated and supervised over 80 investigations and have special expertise in investment adviser and bank broker-dealer matters.
- \* Supervised investigations of PricewaterhouseCoopers and W.R. Grace & Co. and litigated civil and administrative actions against Grace and its officers.

**OFFICE OF THE STATE ATTORNEY, TENTH JUDICIAL CIRCUIT (Hon. Jerry Hill, State Attorney)**, Bartow, Florida. *Assistant State Attorney (trial attorney)*, October 1989-June 1990. Solely responsible for own caseload. Prosecuted post-arrest matters through sentencing phase. Tried 12 jury trials and 21 bench trials. Negotiated pleas in approximately 900 criminal traffic and misdemeanor cases.

**EDUCATION: UNIVERSITY OF MIAMI SCHOOL OF LAW**, Juris Doctor, May 1989.

**VANDERBILT UNIVERSITY**, Bachelor of Arts: Economics, May 1986.

**LICENSES:** *Attorney:* Florida, New York, the District of Columbia, and various federal courts.

**FEDERAL COURT APPOINTMENTS:**

*Receiver:* *SEC v. Vestron Financial Corp., et al.*, Case No. 01-4269-Civ-Seitz (S.D. Fla.);  
*CFTC v. Giovanni Fleury Investments, Inc., et al.*, Case No. 03-61199-Civ-Marra (S.D. Fla.).  
*Special Master:* *SEC v. Genesis Leasing IX, Inc., et al.*, Case No. 01-9111-Civ-Hurley (S.D. Fla.).

**PUBLICATIONS:** **Book Author:** *Capital for Keeps* (2013)

**Articles Author:** Published in *Florida Business Law Quarterly* and *Micro-Cap Review*.

**LECTURER ON SECURITIES**

**LAW TOPICS:** National Business Institute, provider of CLE (2013-present)  
ClearLaw, provider of CLE (2015-16)  
CEO Space International, Inc., entrepreneur education (2016-present)

**AWARDS:** “Top 5 EB-5 Litigators,” *EB5 Investors Magazine* (Jan. 2019)  
Martindale-Hubbell, Av-rated since 2005  
AVVO, “10” Rating

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