

STATE OF ILLINOIS
SECRETARY OF STATE
SECURITIES DEPARTMENT

IN THE MATTER OF: SYNERGY OIL, LLC. and
ROBERT FALCO and
TONY PISTILLI, and their partners, members, officers
and directors, agents, employees, affiliates, successors and assigns.

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) No. 1400001
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ORDER OF PROHIBITION

TO RESPONDENTS:

Synergy Oil, LLC.
1201 Dove Street
Unit 475
Newport Beach, California 92660

Robert Falco
1201 Dove Street
Unit 475
Newport Beach, California 92660

Tony Pistilli
1201 Dove Street
Unit 475
Newport Beach, California 92660

WHEREAS, a Temporary Order of Prohibition was issued by the Secretary of State on October 27, 2015 which prohibited **Synergy Oil, LLC, Robert Falco and Tony Pistelli**, their partners, officers and directors, agents, employees, affiliates, successors and assigns from offering or selling securities in or from the State of Illinois until further order of the Secretary of State or his duly authorized representative;

WHEREAS, pursuant to section 11.F of the Illinois Securities Law of 1953 [815 ILCS 5] (the "Act"), the failure to request a hearing within thirty (30) calendar days of the entry of the Temporary Order shall constitute an admission of any acts alleged therein and constitute a sufficient basis to make the Temporary Order final;

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WHEREAS, the Respondents have failed to request a hearing on the matters contained in the Temporary Order within thirty (30) calendar days of the entry of said Temporary Order and the Respondents are hereby deemed to have admitted the facts alleged in the Temporary Order;

WHEREAS, the Secretary of State, by and through his duly authorized representative, has adopted the Findings of Fact contained in the Temporary Order as the Secretary of State's Findings of Fact as follows:

1. Respondents Synergy Oil, LLC, ("Synergy") Robert Falco and Tony Pistilli (together "Respondents") have a last known address of 1201 Dove Street, Unit 475, Newport Beach, California 92660.
2. Respondents Robert Falco ("Falco") and Tony Pistilli ("Pistilli") are controlling members of Synergy.
3. In February 2011 Respondents "cold-called" an Illinois resident ("Investor") and offer to sell to Investor "units of a working interest" in oil operations.
4. On February 8, 2011 Investor wired \$25,000 to Respondents for the purchase of "units of a working interest" in oil operations.
5. Investor was promised that his investment would be used in oil well drilling and oil well operations, and that he would receive distribution payments regularly, depending on production levels.
6. The activities described above in paragraphs 3-5 constitute the offer and sale of an investment contracts and is therefore a security as those terms are defined in Sections 2.1, 2.5 and 2.5a of the Illinois Securities Law of 1953 [815 ILCS 5] (the "Act").

FRAUD – FAILURE TO DISCLOSE

7. On or about October 29, 1996, prior to offering the investment contract to Investor, Respondent Pistilli was convicted of felony conspiracy to commit wire fraud and was sentenced to 18 months in Federal prison.
8. On or about February 23, 1998, prior to offering the investment contract to Investor, Respondent Pistilli was convicted of felony mail fraud and was sentenced to 9 months in prison.
9. Respondents failed to disclose to Investor, prior to the investment, that Respondent Pistilli had the convictions set forth above.

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10. The criminal history information set forth in paragraphs 7 and 8 above represent material facts a reasonable investor needed to know before investing – but did not know.
11. To date the Investor has received no return on his investment.
12. Section 12.A of the Act provides, *inter alia*, that it shall be a violation of the provisions of the Act for any person, “to offer or sell any security except in accordance with the provisions of the Act.”
13. Section 12.G of the Act provides, *inter alia*, that it shall be a violation of the provisions of the Act for any person, “to obtain money or property through the sale of securities by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in the light of the circumstance under which they were made, not misleading.”
14. Respondents were required, under the Act, to disclose to Investor the information set forth in paragraphs 7 & 8 above.
15. By virtue of the foregoing, Respondents **Synergy Oil, LLC, Robert Falco and Tony Pistelli** violated Sections 12.A and 12.G of the Act and will violate the Act again if they make further security offers, or if they make any sales of securities in the State of Illinois.

NOW THEREFORE IT IS HEREBY ORDERED THAT: pursuant to the authority granted by Section 11.F of the Act, Respondents **Synergy Oil, LLC, Robert Falco and Tony Pistelli** and their partners, officers and directors, agents, employees, affiliates, successors and assigns, are **PROHIBITED** from offering or selling securities in or from this State until the further Order of the Secretary of State.

NOTICE: Failure to comply with the terms of this Order shall be a violation of Section 12.D of the ACT. Any person or entity that fails to comply with the terms of this Order of the Secretary of State, having knowledge of the existence of this Order, shall be guilty of a Class 4 felony for each offence.

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This is a final order subject to administrative review pursuant to the Administrative Review Law [735 ILCS 5/3-101 *et seq.*] and the Rules and Regulations of the Act (14 Ill. Admin. Code, Ch. 1 Sec. 130.1123). Any action for judicial review must be commenced within thirty-five (35) days from the date a copy of this Order is served upon the party seeking review.

Dated: This 22nd day of December 2015.

A handwritten signature in black ink, appearing to read "Jesse White", with a stylized flourish at the end.

JESSE WHITE
Secretary of State
State of Illinois

Attorney for the Secretary of State:
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