

**STATE OF ILLINOIS  
SECRETARY OF STATE  
SECURITIES DEPARTMENT**

\_\_\_\_\_) )  
IN THE MATTER OF: ROBERT E. MESSINGER ) FILE NO. 0500353  
\_\_\_\_\_) )

**CONSENT ORDER OF WITHDRAWAL**

TO THE RESPONDENT: Robert E. Messinger  
(CRD #: 1234161)  
8329 Old Hickory Drive  
Cincinnati, Ohio 45243

C/o UBS Financial Services, Inc.  
1000 Harbor Boulevard 8TH Floor  
Compliance Department  
Weehawken, New Jersey 07086

C/o Joseph J. Dehner  
Attorney At Law  
Frost Brown Todd LLC.  
2200 PNC Center  
201 East Fifth Street  
Cincinnati, Ohio 45202 -4182

WHEREAS, Respondent on the 21<sup>st</sup> day of June 2006 executed a certain Stipulation to Enter Consent Order of Withdrawal (the "Stipulation"), which hereby is incorporated by reference herein.

WHEREAS, by means of the Stipulation, Respondent has admitted to the jurisdiction of the Secretary of State and service of the Notice of Hearing of the Secretary of State, Securities Department, dated May 4, 2006 in this proceeding (the "Notice") and Respondent has consented to the entry of this Consent Order of Withdrawal ("Consent Order").

WHEREAS, by means of the Stipulation, the Respondent acknowledged, without admitting or denying the truth thereof, that the following allegations contained in the Notice of Hearing shall be adopted as the Secretary of State's Findings of Fact:

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1. That at all relevant times, the Respondent was registered with the Secretary of State as a salesperson in the State of Illinois pursuant to Section 8 of the Act.
2. That on June 15, 2005 NASD entered a Letter Of Acceptance, Waiver And Consent (AWC) submitted by the Respondent regarding File No. C8A050053 which sanctioned the Respondent as follows:
  - a. suspension from association with any member of NASD in any capacity for ten (10) business days;
  - b. fined \$10,000; and
  - c. order to pay disgorgement of unjust profits or ill-gotten gains in partial restitution to certain customers in the total amount of \$30,711.71.

3. That the AWC found:

From April 7, 2000 to February 26, 2001, the Respondent recommended that ten (10) customers purchase and accumulate large positions in Putnam and AIM mutual fund Class B shares and AIM Class C shares. In making these recommendations, the Respondent did not have a reasonable basis to believe that the recommendations were suitable for each customer because the customers could have purchased Class A shares in each fund at a reduced sales charge by applying breakpoints, using letters of intent and/or using rights of accumulation. Each of the customers invested over \$250,000 in mutual fund Class B shares. The prospectuses for these mutual funds limits purchases in excess of \$250,000 in Class B shares because such purchases are not appropriate for Class B shares due to the higher expenses. Such acts, practices and conduct constitute separate and distinct violations of NASD Conduct Rules 2110 and 2310 by the Respondent.

4. That Section 8.E(1)(j) of the Act provides, inter alia, that the registration of a salesperson may be revoked if the Secretary of State finds that such salesperson has been suspended by any self-regulatory organization registered under the Federal 1934 Act or the Federal 1974 Act arising from any fraudulent or deceptive act or a practice in violation of any rule, regulation or standard duly promulgated by the self-regulatory organization.
5. That NASD is a self-regulatory organization as specified in Section 8.E(1)(j) of the Act.

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WHEREAS, by means of the Stipulation Respondent has acknowledged, without admitting or denying the averments, that the following shall be adopted as the Secretary of State's Conclusion of Law:

That by virtue of the foregoing, the Respondent's registration as a salesperson in the State of Illinois is subject to revocation pursuant to Section 8.E(1)(j) of the Act.


WHEREAS, by means of the Stipulation Respondent has acknowledged and agreed that he shall cause to have his registration as a salesperson in the State of Illinois withdrawn within three (3) days from the entry of this Consent Order and will not re-apply for registration for a period of two (2) years from the entry of this Consent Order.

WHEREAS, the Secretary of State, by and through his duly authorized representative, has determined that the matter related to the aforesaid formal hearing may be dismissed without further proceedings.

NOW THEREFORE IT SHALL BE AND IS HEREBY ORDERED THAT:

1. The Respondent shall cause to have his registration as a salesperson in the State of Illinois withdrawn within three (3) days from the entry of this Consent Order and will not re-apply for registration for a period of two (2) years from the entry of this Consent Order.
2. The formal hearing scheduled on this matter is hereby dismissed without further proceedings.

ENTERED This 29<sup>th</sup> day of June, 2006

  
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JESSE WHITE  
Secretary of State  
State of Illinois