

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

IN THE MATTTTER OF: SCOTT H. GITOMER

FILE NO. 0500689

ORDER OF REVOCATION

TO THE RESPONDENT: Scott H. Gitomer
 (CRD #: 3101148)
 6446 Bella Circle Unit 1102
 Boynton Beach, Florida 33437

C/o Hunter Scott Financial LLC
110 East Atlantic Avenue Suite 250
Adelray Beach, Florida 33444

WHEREAS, the above-captioned matter came on to be heard on October 4, 2006, pursuant to the Notice of Hearing dated August 9, 2006, FILED BY Petitioner Secretary of State, and the record of the matter under the Illinois Securities Law of 1953 [815 ILCS 5] (the "Act") has been reviewed by the Secretary of State or his duly authorized representative.

WHEREAS, the rulings of the Hearing Officer on the admission of evidence and all motions are deemed to be proper and are hereby concurred with by the Secretary of State.

WHEREAS, the proposed Findings of Fact, Conclusions of Law and Recommendations of the Hearing Officer, George P. Berbas, Esq., in the above-captioned matter have been read and examined.

WHEREAS, the following proposed Findings of Fact of the Hearing Officer are correct and are hereby adopted as the Findings of Fact of the Secretary of State:

1. The Department served Respondent with the Notice of Hearing on August 14, 2006.
2. Respondent failed to appear either by himself or through his attorney at the hearing on October 4, 2006, and also failed to respond or otherwise answer to the allegations in the complaint.

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3. Due notice having been given to the Respondent, and Respondent having failed to appear, the Department was allowed to proceed to a Default Hearing.
4. Mr. Scott H. Gitomer was registered with the Secretary of State as a salesperson in the State of Illinois pursuant to Section 8 of the Act, until September 8, 2006.

WHEREAS, the following recommendations of the hearing officer are correct in part and adopted, and incorrect in part and adopted as modified:

5. On October 21, 2005, NASD entered a Letter of Acceptance, Waiver and Consent (AWC) submitted by the Respondent regarding File No. E072004029001, which sanctioned the Respondent as follows:
 1. Respondent was fined \$5,000.00
 2. Respondent was suspended from association with any member of NASD for a period of 60 Days, and
 3. Respondent was ordered to pay restitution in the amount of \$15,000.00 plus interest to certain of his customers.
6. The AWC found that the matter involved unauthorized and excessive trading in two customer accounts by the Respondent during the period January 2003 through June 2003 ("the relevant period"). During the relevant period, the Respondent effected, or caused to be effected, at least 140 securities transactions in the accounts of two customers, without prior authorization from the customers. Further, during the relevant period, the Respondent effected excessive securities transactions in the same two customer accounts, which had turnover rates of 30 and 124 and cost/equity ratios of 80% and 103% respectively. Such acts, practices and conduct constitute separate and distinct violations of NSD Conduct Ruled 2110 and 2310 by the Respondent

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WHEREAS, the Secretary of State hereby adopts the following additional Findings of Facts from the allegations of the Notice of Hearing, deemed admitted below:

7. 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.
8. NASD is a self-regulatory organization as specified in Section 8.E(1)(j) of the Act.
9. Section 8.C(8) of the Act provides, inter alia, Any change which renders no longer accurate any information contained in any application for registration or re-registration as a salesperson shall be reported to the Secretary of State within 10 business days after the occurrence of such change.
10. The Respondent did not amend his U-4 Form to reflect the entry of the October 21, 2005 NASD AWC until March 14, 2006.
11. The October 21, 2005 NASD AWC constitutes a change which renders no longer accurate any information contained in any application for registration or re-registration as a salesperson on the part of the Respondent.
12. Section 12.D of the Act provides, inter alia, that it shall be a violation of the provisions of the Act for any person to fail to file with the Secretary of State any application, report or document required to be filed under the provisions of the Act or any rule or regulation made by the Secretary of State pursuant to the Act.
13. Section 8.E(1)(g) of the Act provides that the registration of a salesperson may be revoked if he has violated any of the provisions of this Act.

WHEREAS, the following proposed Conclusions of Law made by the Hearing Officer are correct and are hereby adopted as the Conclusions of Law of the Secretary of State:

1. The Department properly served the Notice of Hearing on Respondent on August 14, 2006.
2. The Secretary of State has jurisdiction over the subject matter hereof pursuant to the Act.

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3. Respondent failed to answer or otherwise appear at the hearing in accordance with Section 130.1104, therefore,
 - a. The allegations contained in the Notice of Hearing and complaint are deemed admitted;
 - b. Respondent waived his right to a hearing;
 - c. Respondent is subject to an order of Default.
4. On October 21, 2005, NASD entered a decision regarding Complaint # E072004029001, which barred Respondent from association in any capacity with any member of the NASD. Section 8.E(1)(j) of the Illinois Securities Law provides, 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. Section 8.E(3) of the Act provides that withdrawal of an application for registration or withdrawal from registration of a salesperson, becomes effective 30 days after receipt of an application to withdraw or within such shorter period of time as the Secretary of State may determine. If no proceeding is pending or instituted and withdrawal automatically becomes effective, the Secretary of State may nevertheless institute a revocation or suspension proceeding within two years after withdrawal became effective and enter a revocation or suspension order as of the last date on which regulation was effective.
6. The Department proved the allegations contained in the complaint in the Default prove-up hearing on October 4, 2006.

WHEREAS, the Department having proven the allegations contained in the complaint, the Secretary of State hereby adopts the following additional Conclusions of Law from the Notice of Hearing:

7. The Respondent has committed a violation of Section 12.D of the Act.
8. The Respondent's registration as a salesperson in the State of Illinois is subject to revocation pursuant to Sections 8.E(1)(j) and 8.E(1)(g) of the Act.

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WHEREAS, the Hearing Officer recommended that the Secretary of State should REVOKE the Respondent Scott H. Gitomer's registration as a salesperson in the State of Illinois, and the Secretary of State adopts in its entirety the Recommendation made by the Hearing Officer, and modifies it in accord with the additional conclusions of law.

NOW THEREFORE, IT SHALL BE AND IS HEREBY ORDERED:

1. Respondent Scott H. Gitomer's registration as a salesperson in the State of Illinois is REVOKED a) pursuant to the authority provided under Sections 8.E(1)(j) and 8.E(3) of the Act effective September 8, 2006; and b) pursuant to the authority provided under Section 8.E(1)(g) of the Act.
2. This matter is concluded without further proceedings.

DATED: ENTERED This 30th day of MARCH 2007.


JESSE WHITE
Secretary of State
State of Illinois

NOTICE: Failure to comply with the terms of this Order shall be a violation of the Section 12.D of the Act. Any person or entity who fails to comply with the terms of this Order of the Secretary of State, having knowledge of the existence of the Order, shall be guilty of a Class 4 Felony.

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 Illinois Securities Act, {14 Ill. Admin. Code Ch. I, Section 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.