

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

_____))
IN THE MATTER OF: Raymond Thomas Clark) FILE NO. 1200331
_____))

NOTICE OF HEARING

TO THE RESPONDENT: Raymond Thomas Clark
(CRD#: 3120696)
40 Penhurst Park
Buffalo, NY 14222

You are hereby notified that pursuant to Section 11.F of the Illinois Securities Law of 1953 [815 ILCS 5] (the "Act") and 14 Ill. Adm. Code 130, Subpart K, a public hearing will be held at 69 West Washington Street, Suite 1220, Chicago, Illinois 60602, on the 10th of December, 2012 at the hour of 10:00 a.m. or as soon as possible thereafter, before James L. Kopecky Esq. or such other duly designated Hearing Officer of the Secretary of State.

Said hearing will be held to determine whether an order shall be entered revoking Raymond Thomas Clark (the "Respondent") registration as a salesperson in the State of Illinois and/or granting such other relief as may be authorized under the Act including but not limited to the imposition of a monetary fine in the maximum amount pursuant to Section 11.E (4) of the Act, payable within ten (10) business days of the entry of the Order.

The grounds for such proposed action are as follows:

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 September 10, 2012 FINRA entered LETTER OF ACCEPTANCE, WAIVER AND CONSENT ("AWC" or "Order") submitted by the Respondent regarding Disciplinary Proceeding No. 2008014383901 which sanctioned the Respondent as follows:
 - a) suspended from association with any FINRA member in all capacities for two (2) months; and
 - b) fined \$5,000.
3. That the Order found: NASD RULES 2110, 3110: Clark used a personal email account for business-related communications with customers without his member

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firm's knowledge or approval. He did not at any time receive approval from his firm to use his personal email account to communicate with customers or to use it for any other business-related communications or purposes. Clark also did not, at any time relevant herein; notify the firm that he was using the personal email account to communicate with customers or for any other business-related purpose. Clark prepared and submitted to the firm a "monthly branch report" for each month from July 2007 through July 2008. Each report contained a question about email usage that asked if Clark was using a firm approved email vendor "for the purpose of conducting securities business." Clark did not, on the report he submitted for any month from November 2007 through July 2008, answer "no" to that question. Moreover, in completing and submitting the report for those months he did not indicate in any manner that he had used or was using a personal email account held with or at an unapproved vendor to communicate with any customer, or authorized representative of a customer, about investment matters. Clark failed to provide his firm with copies of any business-related documents he sent by overnight courier or facsimile and any of the emails he received from and sent to customers to his firm or otherwise make them available to the firm for review and/or retention within its records. By failing to do so, Clark circumvented review and/or approval by the firm of the documents and emails, and he caused his firm to fail to retain copies of the documents and emails in conformance with applicable recordkeeping requirements. As a result of his failure, the firm could not produce copies of the documents and emails to FINRA in its investigation. Clark's conduct caused his firm to violate applicable record retention rules including rule 17a-4 of the securities exchange act of 1934 and NASD rule 3110. Clark also did not retain or preserve copies of the documents he sent to customers or all of the emails he exchanged with customers within his own records or files and he could not produce them to FINRA in its investigation. By reason of the foregoing, Respondent violated NASD Rules 2010, 3010

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 FINRA is a self-regulatory organization as specified in Section 8.E(1)(j) of the Act.
6. 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.

You are further notified that you are required pursuant to Section 130.1104 of the Rules and Regulations (14 ILL. Adm. Code 130) (the "Rules"), to file an answer to the allegations outlined above within thirty (30) days of the receipt of this Notice. A failure to file an answer

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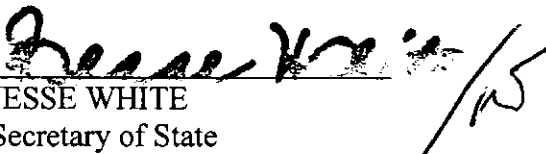
within the prescribed time shall be construed as an admission of the allegations contained in the Notice of Hearing.

Furthermore, you may be represented by legal counsel; may present evidence; may cross-examine witnesses and otherwise participate. A failure to so appear shall constitute default, unless any Respondent has upon due notice moved for and obtained a continuance.

A copy of the Rules, promulgated under the Act and pertaining to hearings held by the Office of the Secretary of State, Securities Department, can be found at www.cyberdriveillinois.com.

Delivery of Notice to the designated representative of any Respondent constitutes service upon such Respondent.

Dated: This 18th day of October 2012.


JESSE WHITE
Secretary of State
State of Illinois

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Hearing Officer:
James L. Kopecky:
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