

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

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**IN THE MATTER OF:**

**Thomas Rudolph Fortino  
(CRD# 2579139), d/b/a  
Alpha Wealth Group (CRD# 155139).**

**File No: 1200278**

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**NOTICE OF HEARING**

**TO THE RESPONDENT:**

Thomas Rudolph Fortino  
(CRD# 2579139)  
126 Tanglewood  
Glen Ellen, IL 60137

Thomas Rudolph Fortino  
(CRD# 2579139)  
2 Mid America Plaza, Suite 800  
Oakbrook Terrace, IL 60181

Thomas Rudolph Fortino  
d/b/a Alpha Wealth Group  
(CRD# 155139)  
2 Mid America Plaza, Suite 800  
Oakbrook Terrace, IL 60181

You are hereby notified in accordance with Sections 8.E and 11.F of the Illinois Securities Law of 1953 [815 ILCS 5/1 *et seq*] ("the Act") and 14 Ill. Adm. Code 130, subpart K, that a public hearing will be held at the Secretary of State's office at the office of the Illinois Securities Department, 69 W. Washington Street, Suite 1220, in Chicago, Illinois 60602, on March 30, 2013 at the hour of 10:00 a.m. or as soon thereafter as possible before Canella E. Henrichs, or such other hearing officer who shall be presiding at that time.

Said hearing will be held to determine whether an Order shall be entered pursuant to Section 11.F of the Act sanctioning the Respondent 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 of the Act, payable within ten (10) business days of the entry of the Order.

The grounds for such proposed action are as follows:

Notice of Hearing

-2-

1. Respondent **Thomas Rudolph Fortino** ("Fortino") is an individual with last known addresses of 126 Tanglewood, Glen Ellen, IL 60137 and 2 Mid America Plaza, Suite 800, Oakbrook Terrace, IL 60181.
2. Fortino conducts business as a registered investment adviser in the State of Illinois
3. Fortino conducts his advisory business as Alpha Wealth Group ("Alpha Wealth"). Fortino is the sole investment adviser representative of Alpha Wealth.
4. Fortino was also previously registered as a securities salesperson in the State of Illinois.
5. FINRA is a private, non-governmental organization that is registered with the United States Securities and Exchange Commission as a self-regulatory organization pursuant to the Securities Exchange Act of 1934.
6. In order to resolve an investigation initiated by FINRA, Fortino submitted a Letter of Acceptance, Waiver and Consent ("AWC") to FINRA that was accepted on April 3, 2012. Although Fortino neither admitted nor denied the allegations, the AWC established the following facts and violative conduct:
  - a. **Between January 1, 2007 and July 30, 2010 ("relevant period"), Respondent failed to notify his Firm that he was engaged in outside EIA and certain whole life insurance sales. The Firm's policies prohibited outside EIA sales and required registered representatives to obtain authorization prior to engaging in any outside insurance sales. During the relevant period Respondent earned \$334,764.93 from transactions between 2007 and the end of July 2010. At least \$68,843 of this amount was attributable to EIA individuals, half of whom purchased whole life insurance, while the other half purchased EIAs. Three of these individuals were Firm customers. Two of the Firm customers purchased whole life insurance and one customer purchased an EIA.**
  - b. **Between January 1, 2007, and July 30, 2010, Fortino did not at any time notify his Firm of his EIA or certain of his whole life insurance sales activities. In making these sales Fortino ignored the Firm's explicit and repeated compliance pronouncements concerning outside insurance and EIA sales.**
  - c. **In April 2009, Respondent's supervisor became aware that Respondent had made an unapproved EIA sale to an individual who was not a Firm customer. The supervisor issued Respondent a Letter of Caution warning him to stop any future unapproved sales and reminding him that all sales of EIAs had to be submitted to the supervisor for review and approval. However, Respondent ignored**

Notice of Hearing

-3-

**this directive and made at least three subsequent EIA sales, after he received the Letter of Caution, without the Firm's approval.**

- d. Because Respondent failed to provide written notice to First Allied of his outside business activities or follow other related procedures between 2007 and 2010, as required by the Firm, he violated NASD Rules 3030 and 2110 and FINRA Rule 2010.**
  - e. The Firm required its representatives to use a form called the Outside Business Activities Questionnaire before engaging in any outside business.**
  - f. Respondent submitted an Outside Business Activities Questionnaire in October 2006, identifying two outside activities unrelated to the outside insurance and EIA sales at issue. Respondent did not submit an Outside Business Activities Questionnaire between 2007 and 2009, a period during which he was actively involved in making insurance and EIA sales away from the Firm. In April 2010, Respondent submitted a new Outside Business Activities Questionnaire in which he reported selling insurance through a company that was owed by his supervisor and not affiliated with First Allied. None of the sales at issue occurred through this company.**
  - g. In documentation submitted with the April 2010 Outside Business Activities Questionnaire, Respondent misled his Firm by reporting that he did not earn compensation from insurance-related products outside of First Allied. In fact, however, Respondent did earn compensation from outside insurance sales that were not reported to the Firm during the beginning of 2010 and up until he was permitted to resign on July 30, 2010.**
  - h. Because Respondent misled his Firm by omitting information or improperly denying that he was engaged with outside business activities, Respondent violated NASD Rule 2110 and FINRA Rule 2010.**
- 7 In submitting the AWC to FINRA, Fortino consented to a suspension from associating with any FINRA member firm in any and all capacities for a period of 10 months and a \$15,000 fine.
8. Section 8 E(1)(j) of the Act provides, *inter alia*, that the registration of an investment adviser representative may be suspended or revoked if the Secretary of State finds that such investment adviser representative has had membership in or association with any self-regulatory organization registered under the Federal 1934 Act or the Federal 1974 Act suspended, revoked, refused, expelled, cancelled, barred, limited in any capacity, or otherwise adversely affected in a similar manner arising from any fraudulent or deceptive

Notice of Hearing

-4-

act or a practice in violation of any rule, regulation or standard duly promulgated by the self-regulatory organization.

9. By virtue of the foregoing, Respondent Thomas Rudolph Fortino, d/b/a Alpha Wealth Group is subject to sanctions pursuant to Sections 8.E(1)(j) of the Act.
10. Section 11.F(7) of the Illinois Securities Law of 1953 [815 ILCS 5/1 *et seq*] (“the Act”) states, *inter alia*, that whenever the Secretary of State finds that a person is currently expelled from, refused membership in or association with, or limited in any material capacity by a self-regulatory organization registered under the Federal 1934 Act or Federal 1974 Act because of a fraudulent or deceptive act or a practice in violation of a rule, regulation, or standard duty promulgated by the self-regulatory organization, the Secretary of State may, at his or her discretion, enter a Summary order of Prohibition, which shall prohibit the offer or sale of any securities by the person in this State.
- 11 By virtue of the foregoing, Fortino is subject to sanctions pursuant to Section 11.F(7) of the Act.

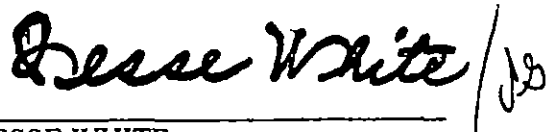
NOTICE: You are further notified that you are required pursuant to Section 130.1104 of the Rules and Regulations (14 Ill. Adm. Code 130) (the “Rules”), to file an answer to the allegations outlined above within thirty (30) days of the receipt of this Notice. A failure to file an answer within the prescribed 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 and Regulations promulgated under the Illinois Securities Law and pertaining to hearings held by the Office of the Secretary of State, Illinois Securities Department, are available at the Department’s website at:  
<http://www.cyberdriveillinois.com/departments/securities/lawrules.html>, or on request.

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

Dated This 29th day of January, 2013.



JESSE WHITE  
Secretary of State  
State of Illinois

Notice of Hearing

-5-

Attorney for the Secretary of State:  
James Gleffe  
Office of the Secretary of State  
Illinois Securities Department  
69 West Washington Street, Suite 1220  
Chicago, Illinois 60602  
Telephone: (312) 793-3593

Hearing Officer:  
Canella E. Henrichs  
4446 Burgundy Place  
Lisle, IL 60532