

STATE OF ILLINOIS
SECRETARY OF STATE
SECURITIES DEPARTMENT

IN THE MATTER OF: ROBERT E. MESSINGER

FILE NO. 0500353

NOTICE OF HEARING

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

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 28th day of June, 2006 at the hour of 10:00 a.m. or as soon as possible thereafter, before George Berbas 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 Robert E. Messinger's (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:

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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

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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.
- 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.

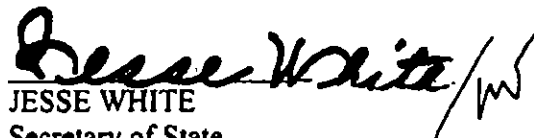
You are further notified that you are required pursuant to Section 130.1104 of the Rules and Regulations (14 ILL. Adm. Code 130) (the "Rules"), to file an answer to the allegations outlined above within thirty (30) days of the receipt of this Notice. A failure to file an answer within the prescribed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

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

Dated: This 04th day of May 2006


JESSE WHITE
Secretary of State
State of Illinois

Attorney for the Secretary of State.
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Illinois Securities Department
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Hearing Officer:
George Berbas
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