

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

**IN THE MATTER OF: CHARLES M. SHALMI**

**FILE NO. 0400646**

**NOTICE OF HEARING**

**TO THE RESPONDENT:** Charles M. Shalmi  
(CRD#: 1293269)  
99 SE Mizner Boulevard  
Unit 329  
Boca Raton, Florida 33432

*C/o Oppenheimer & Co., Inc.*  
125 Broad Street  
16<sup>th</sup> Floor  
New York, New York 10004

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 9<sup>th</sup> day of November, 2005 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 Charles M. Shalmi'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:

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.

Notice of Hearing

- 2 -

2. That on August 4, 2004 NASD entered a Letter of Acceptance, Waiver and Consent (AWC) submitted by the Respondent regarding File No. C11040030 which sanctioned the Respondent as follows:
  - a. Suspension from association with any member firm in any capacity for sixty (60) calendar days; and
  - b. fined \$10,000.00.
3. That the AWC found: During the period from about March 2003 to about June 2003, the Respondent solicited thirty-eight customers to make approximately 136 transactions in five different OTC equity securities. He, however, improperly recorded those transactions as “unsolicited” on the order tickets, causing the firm’s books and records to be inaccurate. The aforementioned conduct by the Respondent constitutes separate and distinct violations of NASD Conduct Rules 3110 and 2110. The 136 OTC equity securities transactions were neither reviewed nor approved by the firm prior to the recommendations. The aforementioned conduct by the Respondent constitutes separate and distinct violations of NASD Conduct Rules 2315 and 2110.
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 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.

Notice of Hearing


- 3 -

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 23<sup>rd</sup> day of September 2005.

  
JESSE WHITE  
Secretary of State  
State of Illinois

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