

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

IN THE MATTER OF: WILLIAM H. PLUCHEL

FILE NO. 0400545

NOTICE OF HEARING

**TO THE RESPONDENT: William H. Pluchel
(CRD #830293)
14228 North 3rd Street
Phoenix, Arizona 85254**

**C/o Banc of America Investment Services, Inc.
101 South Tryon Street, 33rd Floor
Charlotte, North Carolina 28255**

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 22nd day of December, 2004, at the hour of 10:00 a.m., or as soon as possible thereafter, before James G. Athas, 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 William H. Pluchel'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 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 May 6, 2002 the Respondent was charged with "Attempted Sexual Abuse, Class 6 Undesignated Offense-Count 1, Plea accepted" in

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Maricopa County, Arizona. He served one (1) year probation from October, 2002 to November 2003. Upon completion of the period of probation, the charges were reduced to a misdemeanor by court order.

3. That the Respondent failed to amend his "U-4" Form to reflect this criminal matter until August 10, 2004.
4. That Section 8(c)(8) of the Act, provides that 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 of the occurrence of such change.
5. That the Respondent's failure to report the occurrence of this criminal matter by amendment to his U-4 Form for over two (2) years constitutes a change in his application for registration or re-registration.
6. That Section 12.D of the Act, *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.
7. That by virtue of the foregoing, the Respondent has committed a violation of Section 12.D of the Act.
8. That 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.
9. That Section 8.E(1)(h) of the Act provides that the registration of a salesperson may be revoked if he has made any material misrepresentation to the Secretary of State in connection with any information deemed necessary by the Secretary of State to determine a salesperson's business repute or qualifications, or has refused to furnish any such information requested by the Secretary of State.
10. That by virtue of the foregoing, the Respondent's registration as a salesperson in the State of Illinois is subject to revocation pursuant to Sections 8.E(1)(g) and (h) 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

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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 3rd day of November 2004.


Jesse White
Secretary of State
State of Illinois

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