

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

IN THE MATTER OF: MARC S. KIMMEL

File Number: 0300671

SUMMARY ORDER OF DENIAL

TO THE RESPONDENT: Marc S. Kimmel
(CRD #: 2805550)
5529 N. Military Trail
No. 1507
Boca Raton, Florida 33496

c/o LH Ross & Company, Inc.
2255 Glades Road
Suite 425W
Boca Raton, Florida 33431

WHEREAS, on July 23, 2003, LH Ross & Company, Inc., a registered dealer, filed a Form U-4 application for registration of Marc S. Kimmel ("Respondent") as a salesperson in the State of Illinois;

WHEREAS, pursuant to the authority granted under Section 11.F of the Illinois Securities Law of 1953 [815 ILCS 5] (the "Act"), the Secretary of State has determined that the Respondent's application for registration as a salesperson in the State of Illinois is subject to a Summary Order of Denial;

WHEREAS, the Secretary of State finds that the grounds for such Summary Order of Denial are as follows:

1. On December 2, 2003, pursuant to the authority granted under Section 11.C of the Act, the Secretary of State, Illinois Securities Department (the "Department") sent a letter to Respondent by means of certified mail, return receipt requested ("11.C Letter") requesting answers to

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questions ("Questions") propounded by the Department in connection with his pending salesperson's registration.

2. The 11.C Letter was sent to Respondent's place of employment as listed in the Central Registration Depository (CRD).
3. On December 8, 2003, the Department received the signed green card evidencing receipt of the 11.C Letter at the intended address on December 4, 2003.
4. The 11.C Letter required Respondent to submit a notarized affidavit ("Affidavit") answering the Department's Questions. Said response was due within ten (10) business days after receipt.
5. The Respondent failed to submit the required Affidavit and therefore failed to comply with the terms of the 11.C Letter.
6. On December 19, 2003, the Department sent a follow-up 11.C (11.C Letter #2) letter to Respondent in a similar manner to that of the earlier 11.C Letter.
7. On February 2, 2004, the Department received the signed green card regarding 11.C Letter #2, evidencing receipt by Respondent at the intended address on January 29, 2004.
8. The 11.C Letter #2 required Respondent to submit an Affidavit answering the Department's Questions. Said response was due within ten (10) business days after receipt.
9. Again Respondent failed to submit an Affidavit and therefore failed to comply with the terms of 11.C Letter #2.
10. On January 27, 2004, a representative of the Department telephoned Respondent inquiring as to the reasons for Respondent's failure to respond to the 11.C letters. As a result of this conversation, a third 11.C Letter (11.C Letter #3) was sent the same day by the Department by means of "fax" transmission to Respondent. The fax was sent to the telephone number provided to the Department by Respondent.
11. On January 27, 2004, the Department received an acknowledgement from the fax system indicating that the transmission was successfully completed.

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12. A response from Respondent was due within ten (10) business days after receipt of 11.C Letter #3.
13. Respondent continued & continues to fail to submit an Affidavit and therefore failed to comply with the terms of 11.C Letter #3.
14. That Section 12.D of the Act provides, 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.
15. That by virtue of Respondent's continuous failure and refusal to respond to the Departments 11.C letters, Respondent has committed a violation of Section 12.D of the Act.
16. That Section 8.E(1)(g) of the Act provides that the registration of a salesperson may be denied if he has violated any of the provisions of this Act.
17. That by virtue of the foregoing, Respondent's registration as a salesperson in the State of Illinois is subject to denial pursuant to Section 8.E(1)(g) of the Act.

NOW IT IS HEREBY ORDERED THAT:

Respondent's application for registration as a salesperson in the State of Illinois is DENIED, subject to the further Order of the Secretary of State.

A public hearing will be set within thirty days (30) of Respondent's filing a written request for hearing with the Secretary of State at 17 North State Street, Suite 1266, Chicago, Illinois 60602. Said hearing will be held at the aforesaid address before a Hearing Officer duly designated by the Secretary of State. A copy of the Rules under the Act pertaining to contested cases is attached to this Order.

YOUR FAILURE TO REQUEST A HEARING WITHIN THIRTY (30) DAYS AFTER RECEIPT OF THIS ORDER SHALL CONSTITUTE AN ADMISSION OF ANY FACTS ALLEGED HEREIN AND SHALL CONSTITUTE A SUFFICIENT BASIS TO MAKE THIS ORDER FINAL.

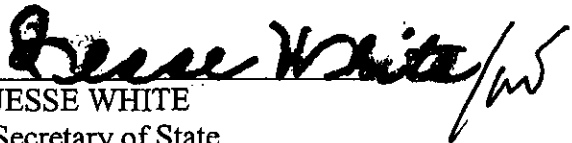
You are further notified that if you request a hearing that you may be represented by legal counsel, may present evidence; may cross-examine witnesses and otherwise participate. Failure to so appear shall constitute default, unless any Respondent has upon due notice moved for and obtained a continuance.

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Delivery of this Order or any subsequent notice to the designated representative of any Respondent constitutes service upon such Respondent.

DATED: This 24th day of February 2004.


JESSE WHITE
Secretary of State
State of Illinois

Attorney for the Secretary of State:

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