

STATE OF ILLINOIS
SECRETARY OF STATE
SECURITIES DEPARTMENT

IN THE MATTER OF: MARC S. KIMMEL

File Number: 0300671

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, a Summary Order of Denial was issued by the Secretary of State on February 24, 2004, which denied Marc S. Kimmel's (the "Respondent") application as a salesperson in the State of Illinois until further order from the Secretary of State.

WHEREAS, pursuant Section 11.F of the Illinois Securities Law of 1953 [815 ILCS 5] (the "Act"), the failure to request a hearing within thirty (30) calendar days of the entry of a Summary Order shall constitute an admission of any facts alleged therein and constitute a sufficient basis to make the Summary Order final.

WHEREAS, the Respondent has failed to request a hearing on the matters contained in the Summary Order within thirty (30) calendar days of the entry of said Summary Order and the Respondent is hereby deemed to have admitted the facts alleged in the said Summary Order.

WHEREAS, the Secretary of State, by and through his duly authorized representative, has adopted the Findings of Fact contained in the said Summary Order as the Secretary of State's Findings of Fact as follows:

Order of Denial

- 2 -

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 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.

Order of Denial

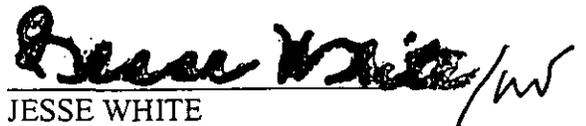
- 3 -

11. On January 27, 2004, the Department received an acknowledgement from the fax system indicating that the transmission was successfully completed.
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:

Marc S. Kimmel's application for registration as a salesperson in the State of Illinois is DENIED.

DATED: This 31st day of March 2004.



JESSE WHITE
Secretary of State
State of Illinois

Order of Denial

- 4 -

NOTICE: This is a final order subject to administrative review pursuant to the Administrative Review Law, [735 ILCS 5/3-101 et seq.] and the Rules and Regulations of the Act (14 Ill. Admin. Code, Ch. 1., Sec. 130.1123). Any action for judicial review must be commenced within thirty-five days from the date a copy of this Order is served upon the party seeking review.