

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

IN THE MATTER OF:

Martin Dennis Ross,

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File Number: 0300554

NOTICE OF HEARING

TO THE RESPONDENT: Martin Dennis Ross
(CRD #: 2221937)
2524 Coco Plum Blvd., #1103
Boca Raton, FL 33496

c/o Wien Securities Corp.
5550 Glades Rd.
Boca Raton, FL 33496

You are hereby notified that, pursuant to Section 11.F of the Illinois Securities Law of 1953 (815 ILCS 5 et. seq.) (the "Act") and 14 Ill. Adm. Code 130, Subpart K (the "Rules"), a public hearing is scheduled to be held at 69 West Washington Street, Suite 1220, Chicago, Illinois 60602, on the 12th day of November 2003, at 10:00 a.m., or as soon thereafter as counsel may be heard, before Soula J. Spyropoulos, Esq., or another duly designated Hearing Officer of the Secretary of State.

Said hearing will be held to determine whether an Order shall be entered suspending or revoking Martin Dennis Ross' (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.F 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.

2. That on March 13, 2003, the National Association of Securities Dealers ("NASD") Market Regulation Department accepted a Letter of Acceptance, Waiver and Consent ("AWC") entered into between the NASD's Market Regulation Department and the Respondent in File No. CMS030041 which imposed the following sanctions:
 - a. Suspended for fifteen (15) business days in all capacities; and
 - b. Fined \$10,000.

3. That the aforementioned AWC states:
 - a. The Respondent's employment in the securities industry has been as follows:
 - i. June 1975 to August 1991 – Options Trader at the Chicago Board of Options Exchange
 - ii. March 1992 to October 2002 – registered General Securities Representative and trader at Comprehensive Capital Corp.
 - b. The Respondent's current position is a registered General Securities Representative and trader with Wien Securities Corp.
 - c. As set forth below, Respondent placed both buy and sell orders in WLWD in an unsuccessful attempt to establish a market in which others would begin trading the shares at a price that did not reflect genuine customer interest and were not the product of the independent interaction of supply and demand.
 - d. On or about May 2001, the CEO of Whirlwind Marketing, Inc. ("WLWD") spoke to Respondent about filing a Form 211 Application with the NASD and initiating trading of the company's common stock on the OTC Bulletin Board ("OTCBB"). Respondent had known the CEO for approximately seven years. Respondent stated that his firm at the time, Comprehensive Capital Corp., did not make Form 211 filings but introduced the CEO to another firm, Wien Securities ("Wien"), which he knew did.
 - e. On or about August 21, 2002, Wien filed a Form 211 Application with the NASD and became the first market maker in WLWD on the OTCBB. Wien, however, did not enter into any price quotations at that time. On several occasions thereafter, the CEO called Respondent and expressed his frustration with the lack of prices and a market for trading WLWD shares.

Respondent then contacted Wien directly and was told that the firm needed an order before it would enter price quotations.

- f. Subsequently, at or about 3:31 p.m. on August 28, 2001, Respondent called Wien and placed "day" orders to both buy and sell 1,000 shares of WLWD at arbitrary prices of \$2.60 and \$3.40 respectively, in an attempt to establish a market in the security and induce trading. On or about August 29, 2002, Wien filed a Form 211 Exemption Request with the NASD seeking to enter price quotations in WLWD of \$2.50 bid, \$3.50 ask. According to Wien, these prices were based on Respondent's August 28th orders. The NASD staff rejected Wien's Exemption Request.
 - g. At or about 11:53 a.m. on September 4, 201, Respondent's orders to buy and sell WLWD were confirmed and re-entered by Wien at the same prices and quantities on a "GTC" or good-till-canceled basis. That same day, Wien filed an Amended Form 211 Application with the NASD seeking to enter price quotations in WLWD of \$2.50 bid, \$3.50 ask. According to Wien, these prices were based on Respondent's September 4th orders. NASD rejected Wien's Amended Application. Respondent cancelled his WLWD orders on or about September 5, 2001, following inquiries from the NASD.
 - h. That by virtue of the foregoing, Respondent's conduct was contrary to just and equitable principles of trade and in violation of NASD Conduct Rule 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 find that such salesperson has been suspended by any self-regulatory organization 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 duty promulgated by the self-regulatory organization.
 - 5. That the 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 include with this Notice.

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

DATED: This 25th day of September 2003.



JESSE WHITE
Secretary of State
State of Illinois

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