

STATE OF ILLINOIS  
SECRETARY OF STATE  
SECURITIES DEPARTMENT

IN THE MATTER OF: NICHOLAS G. TSIKITAS

FILE NO. 0300555

CONSENT ORDER OF WITHDRAWAL

TO THE RESPONDENT:

Nicholas G. Tsikiktas  
(CRD #:2871712)  
Post Office Box 81  
Ashland, New York 12407

C/o J. Christopher Albanese  
Attorney at Law  
American Capital Partners, LLC  
490 Wheeler Road, Suite 106  
Hauppauge, New York 11788

WHEREAS, Respondent on the 18<sup>th</sup> day of September 2003 executed a certain Stipulation to Enter Consent Order of Withdrawal (the "Stipulation"), which hereby is incorporated by reference herein.

WHEREAS, by means of the Stipulation, Respondent has admitted to the jurisdiction of the Secretary of State and service of the Notice of Hearing of the Secretary of State, Securities Department, dated July 11, 2003 in this proceeding (the "Notice") and Respondent has consented to the entry of this Consent Order of Withdrawal ("Consent Order").

WHEREAS, by means of the Stipulation, the Respondent acknowledge, while neither admitting nor denying the truth thereof, that the following allegations contained in the Notice of Hearing shall be adopted as the Secretary of State's Findings of Fact:

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 26, 2003 NASD entered a Letter of Acceptance, Waiver and Consent (AWC) submitted by the Respondent regarding File No. C9A030010 which sanctioned the Respondent as follows:

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- a. suspension of ten (10) business days from association with any NASD member in any capacity; and
  - b. fined \$75,000.
3. That the AWC found that the Respondent while associated with FMSC (his employing firm), on January 14, 1999 executed an unauthorized purchase of 10,000 Shares of Cato. Corp. in the account of R.H. and on March 17, 1999 executed an unauthorized purchase of 1,600 Shares of Cato Corp. in the account of G.K. This conduct violated NASD Conduct Rule 2110 and IM-2310-2.
  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 arising 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. State through a salesperson other than a registered salesperson.

WHEREAS, by means of the Stipulation Respondent has acknowledged, without admitting or denying the averments, that the following shall be adopted as the Secretary of State's Conclusion of Law:

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.

WHEREAS, by means of the Stipulation Respondent has acknowledged and agreed that:

1. He shall cause to have his registration as a salesperson in the State of Illinois withdrawn three (3) days from the entry of the Consent Order and will not re-apply for registration for a period of two (2) years from the entry of the Consent Order.
2. He shall pay the sum of Seven Hundred Fifty dollars (\$750.00) to the Office of the Secretary of State, Investors Education Fund as reimbursement to cover the cost of investigation of this matter. Said sum shall be payable by means of certified or cashier's check and made to the order of the Secretary of State, Investors Education Fund and shall be due within thirty (30) days from the entry of the Consent Order.

WHEREAS, the Secretary of State, by and through his duly authorized representative, has determined that the matter related to the aforesaid formal hearing may be dismissed without further proceedings.


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NOW THEREFORE IT SHALL BE AND IS HEREBY ORDERED THAT:

1. Nicholas G. Tsikitas shall cause to have his registration as a salesperson in the State of Illinois withdrawn three (3) days from the entry of the Consent Order and will not re-apply for registration for a period of two (2) years from the entry of the Consent Order
2. Nicholas G. Tsikitas shall pay the sum of Seven Hundred Fifty dollars (\$750.00) to the Office of the Secretary of State, Investors Education Fund as reimbursement to cover the cost of investigation of this matter. Said sum shall be payable by means of certified or cashier's check and made to the order of the Secretary of State, Investors Education Fund and shall be due within thirty (30) days from the entry of the Consent Order.
3. The formal hearing scheduled on this matter is hereby dismissed without further proceedings.

ENTERED: This 22<sup>nd</sup> day of September, 2003.

  
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JESSE WHITE  
Secretary of State  
State of Illinois