

STATE OF ILLINOIS
SECRETARY OF STATE
SECURITIES DEPARTMENT

IN THE MATTER OF: JON V. CHERRY, CRD # 4255568) File No. 1400312
_____)
_____)

NOTICE OF HEARING

TO THE RESPONDENT: Jon V. Cherry
 TJM Investments, LLC
 318 W. Adams St.
 9th Floor
 Chicago, IL 60606

You are hereby notified that pursuant to Section 11.F of the Illinois Securities Law of 1953, [815 ILCS 5/1 et seq.,] (the "Act") and 14 Ill. Adm. Code 130, Subpart K, a public hearing will be held at 300 W. Jefferson Avenue, Suite 300A, Springfield, Illinois, 62702, on the 15th day of October, 2014 at the hour of 10:00 a.m. or as soon thereafter as counsel may be heard, before Jon K. Ellis or such other duly designated Hearing Officer of the Secretary of State.

Said hearing will be held to determine whether an Order should be entered suspending or revoking the registration of Jon V. Cherry (the "Respondent") as a salesperson in the State of Illinois and whether to grant such other relief as may be authorized under the Act, including, but not limited to, 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 entry of the Order.

The grounds for such proposed action are as follows:

1. 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. Respondent is currently a Registered Representative of TJM Investments, LLC, a dealer registered in the State of Illinois pursuant to Section 8 of the Act.
3. On or about April 14, 2014, the Illinois Department of Revenue sent a Collection Action and Notice of Intent letter to Respondent's home address. The letter advised that, if the Respondent did not resolve his debt owed to the Department of Revenue, his salesperson license would be suspended and provided contact information for the Department of Revenue.

Notice of Hearing

-2-

4. On or about July 2, 2014, the Office of the Secretary of State, Illinois Securities Department sent a letter to the Respondent via certified mail notifying the Respondent that he had failed to effectively respond to the Department of Revenue and warning of the possible negative effect on his registration. Respondent was required to explain the situation, and Respondent's efforts to resolve it, in a notarized affidavit to the Securities Department within 10 business days of the date on which the letter was delivered.
5. On July 22, 2014, the certified letter was delivered to Respondent at his office.
6. On August 12, 2014, the Securities Department contacted Kristine Donnelly, Chief Compliance Officer of TJM Investments, and informed Donnelly that Respondent had failed to respond to the Securities Department letter, endangering his registration in Illinois. Donnelly requested a copy of the letter and it was provided via email.
7. On August 14, 2014, the Securities Department warned Donnelly that Enforcement action would be taken the following week if Respondent still had not contacted the Securities Department.
8. On August 21, 2014, the Securities Department called Donnelly and left a voicemail message providing a final warning.
9. As of this date, the Respondent has failed to contact the Securities Department or provide the required affidavit.
10. As of this date, the Department of Revenue is still owed back taxes and back tax returns.
11. 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.
12. By virtue of the foregoing, the Respondent has committed a violation of Section 12.D of the Act.
13. Section 8.E(1)(g) of the Act provides that the registration of a dealer may be suspended or revoked if it has violated any of the provisions of this Act.
14. Section 8.E(1)(o) provides that the registration of a salesperson may be denied, suspended or revoked if the Secretary of State finds that such salesperson has failed to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any Act administered by the

Notice of Hearing

-3-

Illinois Department of Revenue, until such time as the requirements of that Act are satisfied.


15. Section 11.E(4) of the Act provides, *inter alia*, that the Secretary of State, after finding that any provision of the Act has been violated, may issue an order of censure, charge costs of investigation, and impose a fine not to exceed \$10,000 for each violation of the Act.
16. Section 11.F(1) of the Act provides, *inter alia*, that the Secretary of State may suspend or revoke the registration of a salesperson and impose a fine for violation of the Act after an opportunity for hearing upon not less than 10 days notice given by personal service or registered mail or certified mail, return receipt requested, to the person or persons concerned.
17. By virtue of the foregoing, the Respondent is subject to a fine of up to \$10,000 per violation, an order of censure, and an order that suspends or revokes his registration as a salesperson in the State of Illinois pursuant to Sections 8 and 11 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 130.100 *et seq.*) (the "Rules") to file an answer to the allegations outlined above within thirty (30) days of the receipt of this Notice. A failure to do so within the prescribed time shall be deemed an admission of the allegations contained in the Notice of Hearing and waives your right to a hearing.

You may be represented by legal counsel, present evidence, cross-examine witnesses and otherwise participate. However, a failure to appear shall constitute default.

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

ENTERED: This 22nd day of August 2014.


JESSE WHITE
Secretary of State
State of Illinois

Notice of Hearing

-4-

Attorney for the Secretary of State:

**Shannon Bond
Illinois Securities Department
300 W. Jefferson St., Suite 300A
Springfield, Illinois 62702
Telephone: (217) 524-0648**

Hearing Officer:

Jon K. Ellis