

STATE OF ILLINOIS
SECRETARY OF STATE
SECURITIES DEPARTMENT

IN THE MATTER OF: JAY M. POLLACK, CRD # 1082586) File No. 1400518
)

ORDER OF REVOCATION AND FINE

TO THE RESPONDENT: Jay M. Pollack
Park Avenue Securities LLC
55 E. Jackson Blvd.
12th Floor
Chicago, IL 60604

C/O Park Ave. Securities LLC
Attention Kenneth Goodall
7 Hanover Square H4C
New York, NY 10004

WHEREAS, on October 21, 2015, Jon K. Ellis, Hearing Officer for the Illinois Secretary of State Department of Securities (the "Department"), held a hearing pursuant to Section 11.F of the Illinois Securities Law of 1953 [815 ILCS 5] (the "Act") and 14 Ill. Adm. Code 130 Subpart K, (the "Rules") to determine whether an Order should be entered pursuant to Sections 8 and 11 of the Act, suspending or revoking Respondent's salesperson and investment adviser representative registration in the State of Illinois, and/or granting such other relief as may be authorized under the Act.

WHEREAS, the rulings of the Hearing Officer on the admission of evidence and all motions are deemed to be proper and are hereby concurred with by the Secretary of State.

WHEREAS, the proposed Findings of Facts, Conclusions of Law, and Recommendation of the Hearing Officer in the above-captioned matter have been read and examined.

WHEREAS, the Respondent failed to file an Answer to the allegations set forth in the Notice of Hearing, issued on August 6, 2015, as instructed by the Notice and as required by Section 130:1104 of the Code.

WHEREAS, the Respondent presented no evidence, and did not appear in person or by counsel at the hearing.

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WHEREAS, the following proposed Findings of Fact are correct and are hereby adopted by the Secretary of State:

1. The Exhibits and testimony have been offered and received from the Department and a proper record of all proceedings has been made and preserved as required by law.
2. The Hearing Officer has ruled on all motions and objections timely made and submitted.
3. The Hearing Officer and the Secretary of State Securities Department have jurisdiction over the parties herein and the subject matter dealt with herein, due and proper notice having been previously given as required by statute in this Matter.
4. As no Answer was timely filed, the Respondent is therefore deemed to be in default.
5. At all relevant times, the Respondent was registered with the Secretary of State as a salesperson and investment adviser representative in the State of Illinois pursuant to Section 8 of the Act.
6. Respondent is currently a registered representative and investment adviser representative of Park Avenue Securities LLC, a dealer and investment adviser registered in the State of Illinois pursuant to Section 8 of the Act.
7. On or about September 11, 2014, the Illinois Department of Revenue sent a Collection Action Notice of Intent letter to Respondent's home address. The letter advised that, if the Respondent did not resolve the debt owed to the Department of Revenue, his salesperson and/or registered investment adviser license would be suspended. The letter, also, provided contact information for the Department of Revenue.
8. On or about January 8, 2015, 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.
9. On January 21, 2015, the certified letter was delivered to Respondent's office.
10. On February 4, 2015, the Respondent provided the affidavit.
11. Subsequently, the Respondent made payments for the amounts owed for the 2011 and 2012 tax years.

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12. The last payment was made, on or about, April 20, 2015, leaving a balance owed for the 2013 tax year.
13. At least as of August 6, 2015, no payment has been made toward the debt owed for the 2013 tax year.
14. Respondent's disciplinary history includes a Notice of Hearing filed in 2011 by the Securities Department due to an unpaid debt owed to the Department of the Revenue at that time. The 2011 Notice of Hearing was dismissed when the Respondent made arrangements for payment of the debt with the Department of Revenue.
15. Further investigation found that, at least as of 2003, various liens and judgments had been entered against the Respondent.
16. At least as of August 6, 2015, Respondent has failed to update the information provided to the Department in his application for registration to disclose any lien or judgment.
17. Section 8.C(8) provides, *inter alia*, that any change which renders no longer accurate any information contained in any application for registration or re-registration as a salesperson shall be reported to the Secretary of State within 10 business days after the occurrence of such change.
18. Section 12.D of the Act, provides, *inter alia*, that it shall be a violation 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.
19. Section 12.E of the Act, provides, *inter alia*, that it shall be a violation of the Act for any person to make, or cause to be made, in any application, report, or document filed under the Act or any rule or regulation made by the Secretary of State pursuant to the Act, any statement which was false or misleading with respect to any material fact.
20. Section 8.E(1)(g) of the Act provides that the registration of a salesperson or investment adviser representative may be suspended or revoked if the salesperson or investment adviser representative has violated any of the provisions of this Act.
21. Section 8.E(1)(h) provides, *inter alia*, that the registration of a salesperson or investment adviser representative may be denied, suspended, or revoked if the Secretary of State finds that there has been made any material misrepresentation to the Secretary of State in connection with any information deemed necessary by the Secretary of State to determine a salesperson's or investment adviser representative's business repute or qualifications or has refused to furnish any such information requested by the Secretary of State.

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22. Section 8.E(1)(o) provides, *inter alia*, that the registration of a salesperson or investment adviser representative may be denied, suspended or revoked if the Secretary of State finds that such salesperson or investment adviser representative 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 Illinois Department of Revenue, until such time as the requirements of that Act are satisfied.
23. 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.
24. Section 11.F(1) of the Act provides, *inter alia*, that the Secretary of State may suspend or revoke the registration of a salesperson or investment adviser representative 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.
25. By virtue of the foregoing, Respondent has committed violations of Sections 8.E(1)(g), (h), and (o), 12.D, and 12.E of the Act.
26. 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 registrations as a salesperson and investment adviser representative in the State of Illinois pursuant to Sections 8 and 11 of the Act.
27. The entry of a final written order of revocation and the imposition of a \$10,000 fine is proper in this matter, given the conduct of the Respondent as described in Secretary of State Exhibits 1 through 17 and the testimony.

WHEREAS, the proposed Conclusions of Law are correct and are adopted by the Secretary of State as follows:

28. The actions, representations, and/or omissions of the Respondent when acting as a registered salesperson and investment adviser representative, as described in Secretary of State Exhibits 1 through 17 and the testimony, are violations of Sections 8.E, 12.D, and 12.E of the Act.
29. Because of the Findings of Fact of this Order, the documents admitted as Secretary of State Exhibits 1 through 17, and the testimony, the Respondent is subject to the entry of a final written order that revokes the Respondent's registrations as a salesperson and as an investment adviser representative in the State of Illinois pursuant to Sections 8.E(1) and

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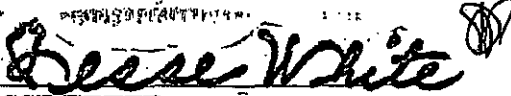
11.F(1) of the Act, imposes a fine of \$10,000 pursuant to Section 11.E(4) of the Act, and grants such other relief as may be authorized under the Act.

WHEREAS, the Hearing Officer recommends that a written Final Order be entered pursuant to Sections 8.E, 11.E, and 11.F of the Act that revokes the Respondent's registration as a salesperson and as an investment adviser representative in the State of Illinois, and imposes a fine of \$10,000.

WHEREAS, the proposed Recommendation of the Hearing Officer is adopted by the Secretary of State.

NOW THEREFORE IT IS HEREBY ORDERED: That pursuant to the foregoing Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, the Respondent's registration as a salesperson and as an investment adviser representative in the State of Illinois is hereby REVOKED and Respondent is fined ten thousand dollars (\$10,000.00). A check made payable to the Illinois Secretary of State will, within 10 business days of entry of this Final Order, be mailed or delivered to the Illinois Securities Department, 421 E. Capitol Ave., 2nd Fl., Springfield, Illinois 62701 for deposit in the Securities Audit and Enforcement Fund.

ENTERED: This 30th day of October, 2015.


JESSE WHITE
Secretary of State
State of Illinois

Attorney for the Secretary of State:

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

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DATE OF MAILING: This 30th day of October, 2015.

NOTICE: Failure to comply with the terms of this Order shall be a violation of Section 12.D of the Illinois Securities Law of 1953, as amended, 815 ILCS 5/1 *et seq.* Any person or entity who fails to comply with the terms of this Order of the Secretary of State, having knowledge of the existence of this Order, shall be guilty of a Class 4 felony.

This is a Final Order subject to judicial 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. I, Sec. 130.1123. Any action for judicial review must be commenced within thirty five (35) days from the date a copy of this Order is served upon the party seeking review. Mailing of this Order to the Respondent or representative of record constitutes service of the Order.