

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

IN THE MATTER OF: LARRY M. HIGHTOWER, CRD # 2166455) File No. 1500223
_____)
_____)

CONSENT ORDER

TO THE RESPONDENT: Larry M. Hightower
 Evergreen Capital Management Inc.
 20725 Greenwood Dr.
 Olympia Fields, IL 60461-1705

c/o Evergreen Capital Management Inc.
Attention: Michael L. Green
909 N. 96th St., Ste. 101
Omaha, NE 68114-2508

WHEREAS, the Respondent, Larry M. Hightower, on February 15, 2016 executed a certain Stipulation to Entry of Consent Order (the "Stipulation"), which hereby is incorporated by reference herein.

WHEREAS, by means of the Stipulation, the Respondent has admitted to the jurisdiction of the Secretary of State, service of the Notice of Hearing in this matter, and consented to the entry of this Consent Order.

WHEREAS, the Secretary of State, by and through his designated representative, the Securities Director, has determined that the matter related to the aforesaid formal hearing may be dismissed without further proceeding.

WHEREAS, the Respondent has acknowledged that the allegations contained in paragraph VII of the Stipulation shall be adopted as the Secretary of State's Findings of Fact as follows:

1. Respondent applied for registration as an investment adviser representative on March 30, 2015.
2. Respondent's disciplinary history includes a Notice of Hearing filed on February 7, 2013 by the Securities Department due to an unpaid individual income tax debt owed to the Department of the Revenue at that time. The 2013 Notice of Hearing was

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dismissed when the Respondent made arrangements for payment of the debt with the Department of Revenue.

3. According to the Department of Revenue, as of November 24, 2015, Respondent had an individual income tax debt for the years 2008 and 2009. Respondent was not in a payment plan and no credit had been made toward the debt since June 18, 2015. Furthermore, the Department of Revenue was requiring Respondent to file individual income tax returns for the years 2003, 2004, and 2005.
4. Furthermore, a federal tax lien was filed against Respondent on April 16, 2010 and on November 2, 2011 in Cook County, Illinois.
5. Neither lien was disclosed by Respondent until March 27, 2015, although, at that time, Respondent was registered with the Illinois Secretary of State as a salesperson and investment adviser representative pursuant to Section 8 of the Act.
6. At least as of February 9, 2016, Respondent has entered into a payment plan with the Department of Revenue.
7. 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.
8. Section 8.D-5 provides, *inter alia*, that any change which renders no longer accurate any information contained in any application for registration or re-registration as an investment adviser representative must be reported to the Secretary of State within 10 business days after the occurrence of the change.
9. Section 12.A of the Act provides, *inter alia*, that it shall be a violation of the Act for any person to offer or sell any security except in accordance with the provisions of the Act.
10. 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.
11. Section 8.E(1)(g) of the Act provides that the registration of a salesperson or investment adviser representative may be denied, suspended, or revoked if the salesperson or investment adviser representative has violated any of the provisions of this Act.

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12. 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.
13. 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.
14. Section 11.F(4) of the Act provides, *inter alia*, that when the Secretary of State finds that an application for registration as a dealer, salesperson, investment adviser, or investment adviser representative should be denied, the Secretary of State may enter an order denying the registration. The respondent's failure to request a hearing within 30 days after receipt of the order shall constitute an admission of any facts alleged therein and shall make the order final. If a hearing is held, the Secretary of State shall affirm, vacate, or modify the order.

WHEREAS, the Respondent has acknowledged that the allegations contained in paragraph VIII of the Stipulation shall be adopted as the Secretary of State's Conclusions of Law as follows:

15. By virtue of the foregoing, Respondent has violated Sections 12.A and D of the Act and is subject to sanctions pursuant to Sections 8.E(1)(g) and (o).
16. By virtue of the foregoing, pursuant to Sections 8 and 11 of the Act, the Respondent is subject to a fine of up to \$10,000 per violation, an order of censure, and an order that affirms, vacates, or modifies the Summary Order of Denial entered against him.

NOW THEREFORE IT IS HEREBY ORDERED THAT:

17. Respondent will make a monetary payment, within six weeks from the entry of this Consent Order, in the total amount of five hundred dollars (\$500) to the Illinois Secretary of State for deposit in the Securities Audit and Enforcement Fund. The payment will be mailed to the Illinois Securities Department, 421 E. Capitol Ave., 2nd Fl., Springfield, Illinois 62701.
18. Respondent will abide by the terms of the current payment plan with the Department of Revenue.

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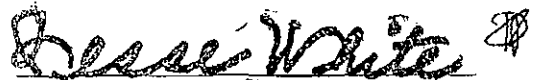
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19. Respondent is Censured.

20. The Department will retain jurisdiction over this proceeding for the sole purpose of enforcing the terms and provisions stated herein.

21. The formal hearing scheduled on this matter is hereby dismissed without further proceeding.

ENTERED: This 16th day of February, 2016.



Jesse White
Secretary of State
State of Illinois

Attorney for the Secretary of State:

Shannon Bond
Illinois Securities Department
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Springfield, Illinois 62701
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