

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

**IN THE MATTER OF: THOMAS M. ROHRER**

**FILE NO. 0300834**

**NOTICE OF HEARING**

TO THE RESPONDENT: Thomas M. Rohrer  
(CRD #: 858539)  
1334 Woodview Lane  
Glenview, Illinois 60025

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 17 North State Street, Suite 1266, Chicago, Illinois 60602, on the 3<sup>rd</sup> day of March 2004, 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 revoking Thomas M. Rohrer's ("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.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. 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 until August 20, 2003.
2. That on August 7, 2003, NASD entered Order Accepting Respondent's Offer of Settlement (Order) submitted by the Respondent regarding Disciplinary Proceeding No. C8A030012 which barred him from association in any capacity with any member of the NASD.
3. That the AWC found:

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- a. From in or about August 1999 through in or about August 2000, the Respondent recommended and effected a total of 95 purchases or sales of securities transactions, which constituted excessive trading activity with a turnover ratio of 15.84%, for the individual retirement account of GC, who is a member of the public, without having a reasonable basis for believing that the recommendations and resultant transactions were suitable for GC, based upon GC's age, net worth, financial situation, investment objectives and medical condition.
- b. From on or about April 25, 2000 to on or about August 22, 2000, the Respondent, in 21 instances purchased or sold or caused the purchase or sale of various securities for the individual retirement account of GC, without the knowledge or consent of GC, or her daughter KW, a member of the public, who had a power of attorney over the assets of GC and in the absence of written or oral authorization to him to exercise discretion in said account.
- c. On or about August 29, 2002, NASD staff conducted an on-the-record interview of the Respondent. The staff conducted the interview pursuant to and in accordance with NASD Procedural Rule 8210. During the interview the Respondent was informed that he was testifying under oath and that he was testifying pursuant to NASD Procedural Rule 8210. The Respondent also stated that he understood that his failure to answer truthfully could be deemed a violation of NASD Rules and subject him to disciplinary action.
- d. During the on-the-record interview, the Respondent provided false, misleading and/or evasive testimony concerning the following.
  - i. That he spoke with KW, the daughter of GC, on the telephone prior to executing trades for the individual retirement account of GC; and,
  - ii. That he sometimes placed long distance telephone calls to KW at her home or office in Montana from his cell phone or his personal telephone to discuss the trades that he placed for KW's individual retirement account.
- e. The Respondent intentionally and/or recklessly made these false and/or misleading statements, in that the Member's telephone records and the Respondent's personal telephone records show that

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there were no calls placed to KW's telephone numbers in Montana during the period from on or about April 25, 2000 to on or about August 22, 2000. Based on the foregoing, Respondent violated NASD Conduct Rules 2110, 2310 and IM-2310-2 and Procedural Rules 8210.

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.
6. That Section 8.E(3) of the Act provides, inter alia, withdrawal of an application for registration or withdrawal from registration as a salesperson, becomes effective 30 days after receipt of an application to withdraw or within such shorter period of time as the Secretary of State may determine. If no proceeding is pending or instituted and withdrawal automatically becomes effective, the Secretary of State may nevertheless institute a revocation or suspension proceeding within 2 years after withdrawal became effective and enter a revocation or suspension order as of the last date on which registration was effective.
7. That by virtue of the foregoing, the Respondent's registration as a salesperson in the State of Illinois is subject to revocation effective August 20, 2003, pursuant to Sections 8.E(1)(j) and 8.E(3) 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.

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

DATED: This 21<sup>st</sup> day of January 2004.

  
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JESSE WHITE  
Secretary of State  
State of Illinois

Attorney for the Secretary of State:  
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Hearing Officer:  
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