

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

IN THE MATTER OF: THOMAS A. SMITH

FILE NO. 0400108

SUMMARY ORDER OF DENIAL

TO THE RESPONDENT: Thomas A. Smith
 (CRD#: 1134969)
 4128 Windy Hollow Road
 Owensboro, Kentucky 42301

c/o First Montauk Securities Corporation
328 Newman Springs Road
Red Bank, New Jersey 07701

WHEREAS, on February 26, 2004, First Montauk Securities Corporation, a registered dealer, filed a Form U-4 application for registration of Thomas A. Smith (the "Respondent") as a salesperson in the State of Illinois;

WHEREAS, pursuant to the authority granted under Section 11.F of the Illinois Securities Law of 1953 [815 ILCS 5] (the "Act"), the Secretary of State has determined that the Respondent's application for registration as a salesperson in the State of Illinois is subject to a Summary Order of Denial;

WHEREAS, the Secretary of State finds that the grounds for such Summary Order of Denial are as follows:

1. That on October 8, 2002, NASD entered a Letter of Acceptance, Waiver and Consent (AWC) submitted by the Respondent regarding File No. Co50020051 which sanctioned the Respondent as follows:
 - a. fined \$5,000.00; and
 - b. ten day suspension from association with any member of NASD in any capacity.

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2. That the AWC found that on or ^{at} about June 16, 2001, the Respondent executed an unauthorized purchase of shares of a mutual fund in the trust account of public customer JM, without the account trustee's knowledge or consent.

Such acts, practices, and conduct constitute separate and distinct violations of NASD Conduct Rule 2110 by the Respondent.

3. That Section 8.E(1)(j) of the Act provides, inter alia, that the registration of a salesperson may be denied 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.
4. That the NASDR is a self-regulatory organization as specified in Section 8.E(1)(j) of the Act.
5. That by virtue of the foregoing, the Respondent's registration as a salesperson in the State of Illinois is subject to denial pursuant to Section 8.E(1)(j) of the Act.

NOW IT IS HEREBY ORDERED THAT:

The Respondent's application for registration as a salesperson in the State of Illinois is DENIED, subject to the further Order of the Secretary of State.

A public hearing will be set within thirty (30) days of the Respondent's filing a written request for hearing with the Secretary of State at 17 North State Street, Suite 1266, Chicago, Illinois 60602. Said hearing will be held at the aforesaid address before a Hearing Officer duly designated by the Secretary of State. A copy of the Rules under the Act pertaining to contested cases is attached to this Order.

YOUR FAILURE TO REQUEST A HEARING WITHIN THIRTY (30) DAYS AFTER RECEIPT OF THIS ORDER SHALL CONSTITUTE AN ADMISSION OF ANY FACTS ALLEGED HEREIN AND SHALL CONSTITUTE A SUFFICIENT BASIS TO MAKE THIS ORDER FINAL.

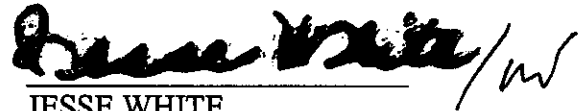
You are further notified that if you request a hearing that you may be represented by legal counsel, may present evidence; may cross-examine witnesses and otherwise participate. Failure to so appear shall constitute default, unless any Respondent has upon due notice moved for and obtained a continuance.

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

DATED: This 2nd day of June 2004.

A handwritten signature in black ink, appearing to read "Jesse White" with a stylized flourish at the end.

JESSE WHITE
Secretary of State
State of Illinois

Attorney for the Secretary of State:

Daniel Tunick
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Illinois Securities Department
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Chicago, Illinois 60602
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