

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

IN THE MATTER OF:)	
)	
)	
Thomas Rudolph Fortino)	File No: 1200278
(CRD# 2579139), d/b/a)	
Alpha Wealth Group (CRD# 155139).)	
)	
)	

CONSENT ORDER

TO THE RESPONDENT: Thomas Rudolph Fortino
(CRD# 2579139)
126 Tanglewood
Glen Ellen, IL 60137

Thomas Rudolph Fortino
(CRD# 2579139)
2 Mid America Plaza, Suite 800
Oakbrook Terrace, IL 60181

Thomas Rudolph Fortino
d/b/a Alpha Wealth Group
(CRD# 155139)
2 Mid America Plaza, Suite 800
Oakbrook Terrace, IL 60181

WHEREAS, Respondent Thomas Rudolph Fortino, d/b/a Alpha Wealth Group ("Fortino"), on the 28th day of January, 2013 executed a certain Stipulation to Enter Consent Order ("the Stipulation"), which hereby is incorporated by reference herein.

WHEREAS, by means of the Stipulation, Fortino has admitted to the jurisdiction of the Secretary of State.

WHEREAS, by means of the Stipulation, Fortino has acknowledged service of the Order of Suspension and Summary Order of Prohibition issued against him by the Secretary of State, Securities Department ("the Department").

WHEREAS, by means of the Stipulation, Fortino acknowledges service of the Department's Notice of Hearing dated January 29, 2013 in this proceeding (the "Notice") and has consented to the entry of this Consent Order ("Consent Order").

WHEREAS, by means of the Stipulation, Fortino has acknowledged that the following shall be adopted as the Secretary of State's Findings of Fact:

1. Respondent **Thomas Rudolph Fortino** ("Fortino") is an individual with last known addresses of 126 Tanglewood, Glen Ellen, IL 60137 and 2 Mid America Plaza, Suite 800, Oakbrook Terrace, IL 60181.
2. Fortino conducts business as a registered investment adviser in the State of Illinois.
3. Fortino conducts his advisory business as Alpha Wealth Group ("Alpha Wealth") Fortino is the sole investment adviser representative of Alpha Wealth.
4. Fortino was also previously registered as a securities salesperson in the State of Illinois.
5. FINRA is a private, non-governmental organization that is registered with the United States Securities and Exchange Commission as a self-regulatory organization pursuant to the Securities Exchange Act of 1934.
6. In order to resolve an investigation initiated by FINRA, Fortino submitted a Letter of Acceptance, Waiver and Consent ("AWC") to FINRA that was accepted on April 3, 2012. Although Fortino neither admitted nor denied the allegations, the AWC established the following facts and violative conduct:
 - a. **Between January 1, 2007 and July 30, 2010 ("relevant period"), Respondent failed to notify his Firm that he was engaged in outside EIA and certain whole life insurance sales. The Firm's policies prohibited outside EIA sales and required registered representatives to obtain authorization prior to engaging in any outside insurance sales. During the relevant period Respondent earned \$334,764.93 from transactions between 2007 and the end of July 2010. At least \$68,843 of this amount was attributable to EIA individuals, half of whom purchased whole life insurance, while the other half purchased EIAs. Three of these individuals were Firm customers. Two of the Firm customers purchased whole life insurance and one customer purchased an EIA.**
 - b. **Between January 1, 2007, and July 30, 2010, Fortino did not at any time notify his Firm of his EIA or certain of his whole life insurance sales activities. In making these sales Fortino ignored the Firm's explicit and repeated compliance pronouncements concerning outside insurance and EIA sales.**
 - c. **In April 2009, Respondent's supervisor became aware that Respondent had made an unapproved EIA sale to an individual who was not a Firm customer. The supervisor issued Respondent a Letter of Caution warning him to stop any future unapproved sales and**

reminding him that all sales of EIAs had to be submitted to the supervisor for review and approval. However, Respondent ignored this directive and made at least three subsequent EIA sales, after he received the Letter of Caution, without the Firm's approval.

- d. Because Respondent failed to provide written notice to First Allied of his outside business activities or follow other related procedures between 2007 and 2010, as required by the Firm, he violated NASD Rules 3030 and 2110 and FINRA Rule 2010.
 - e. The Firm required its representatives to use a form called the Outside Business Activities Questionnaire before engaging in any outside business.
 - f. Respondent submitted an Outside Business Activities Questionnaire in October 2006, identifying two outside activities unrelated to the outside insurance and EIA sales at issue. Respondent did not submit an Outside Business Activities Questionnaire between 2007 and 2009, a period during which he was actively involved in making insurance and EIA sales away from the Firm. In April 2010, Respondent submitted a new Outside Business Activities Questionnaire in which he reported selling insurance through a company that was owned by his supervisor and not affiliated with First Allied. None of the sales at issue occurred through this company.
 - g. In documentation submitted with the April 2010 Outside Business Activities Questionnaire, Respondent misled his Firm by reporting that he did not earn compensation from insurance-related products outside of First Allied. In fact, however, Respondent did earn compensation from outside insurance sales that were not reported to the Firm during the beginning of 2010 and up until he was permitted to resign on July 30, 2010.
 - h. Because Respondent misled his Firm by omitting information or improperly denying that he was engaged with outside business activities, Respondent violated NASD Rule 2110 and FINRA Rule 2010.
7. In submitting the AWC to FINRA, Fortino consented to a suspension from associating with any FINRA member firm in any and all capacities for a period of 10 months and a \$15,000 fine
 8. Section 8.E(1)(j) of the Act provides, *inter alia*, that the registration of an investment adviser representative may be suspended or revoked if the Secretary of State finds that such investment adviser representative has had membership in or association with any self-regulatory organization registered under the Federal 1934 Act or the Federal 1974

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Act suspended, revoked, refused, expelled, cancelled, barred, limited in any capacity, or otherwise adversely affected in a similar manner 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.

9. Section 11.F(7) of the Illinois Securities Law of 1953 [815 ILCS 5/1 *et seq*] ("the Act") states, *inter alia*, that whenever the Secretary of State finds that a person is currently expelled from, refused membership in or association with, or limited in any material capacity by a self-regulatory organization registered under the Federal 1934 Act or Federal 1974 Act because of a fraudulent or deceptive act or a practice in violation of a rule, regulation, or standard duty promulgated by the self-regulatory organization, the Secretary of State may, at his or her discretion, enter a Summary order of Prohibition, which shall prohibit the offer or sale of any securities by the person in this State.

WHEREAS, by means of the Stipulation, Fortino has acknowledged that the following shall be adopted as the Secretary of State's Conclusions of Law:

1. Illinois has jurisdiction over this matter pursuant to the Illinois Securities Law of 1953 [815 ILCS 5] (the "Act").
2. The Illinois Securities Department finds that the above conduct subjects Fortino to sanctions pursuant to Sections 8.E(1)(j) and 11 F(7) of the Act.

WHEREAS, by means of the Stipulation, Fortino acknowledged and agreed that he shall pay twenty thousand dollars (\$20,000.00) to the Illinois Secretary of State, Securities Audit and Enforcement Fund. Said payment shall be made no later than six (6) months after the entry of this Consent Order.

WHEREAS, by means of the Stipulation, Fortino acknowledged and agreed that he shall not file with the Secretary of State an application to be a principal of a broker-dealer or investment adviser for a period of five (5) years.

WHEREAS, by means of the Stipulation, Fortino acknowledged and agreed that he is currently serving a ten (10) month suspension from associating with any FINRA member firm in any and all capacities (the "FINRA suspension"). The FINRA suspension began on April 3, 2012

WHEREAS, by means of the Stipulation, Fortino acknowledged and agreed that upon the entry of this Consent Order, his registration in the following capacities shall be suspended in the State of Illinois:

- a. Registration as a securities salesperson;
- b. Registration as an investment adviser; and
- c. Registration as an investment adviser representative.

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This suspension shall remain in place until the FINRA suspension is completed. Upon the termination of the suspension, Fortino may apply to register with a broker-dealer or investment adviser that does not have an adverse regulatory or disciplinary history.

WHEREAS, by means of the Stipulation, Fortino acknowledged and agreed that, if registered or associated with any broker-dealer or investment adviser, he shall comply with the terms and conditions set forth in the attached Heightened Supervision Agreement for a period of twenty-four (24) months. The period of heightened supervision would begin on the date that Fortino's registration with a broker-dealer or investment adviser becomes effective with the Illinois Secretary of State, Securities Department.

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

1. Respondent Thomas Rudolph Fortino, d/b/a Alpha Wealth Group shall pay twenty thousand dollars (\$20,000.00) to the Illinois Secretary of State, Securities Audit and Enforcement Fund. Said payment shall be made no later than six (6) months after the entry of this Consent Order.
2. Respondent Thomas Rudolph Fortino, d/b/a Alpha Wealth Group shall not file with the Secretary of State an application to be a principal of a broker-dealer or investment adviser for a period of five (5) years.
3. Respondent Thomas Rudolph Fortino, d/b/a Alpha Wealth Group, will have his registration in the following capacities suspended in the State of Illinois upon the entry of this Consent Order:
 - d. Registration as a securities salesperson;
 - e. Registration as an investment adviser; and
 - f. Registration as an investment adviser representative

This suspension shall remain in place until the completion of the FINRA suspension referenced above. Upon the termination of the suspension put into effect by the entry of this Consent Order, Fortino may apply to register with a broker-dealer or investment adviser that does not have an adverse regulatory or disciplinary history

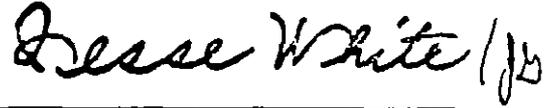
4. If Respondent Thomas Rudolph Fortino becomes registered or associated with any broker-dealer or investment adviser, he shall comply with the terms and conditions set forth in the attached Heightened Supervision Agreement for a maximum period of twenty-four (24) months. The period of heightened supervision would begin on the date that Fortino's registration with a broker-dealer or investment adviser becomes effective with the Illinois Secretary of State, Securities Department.
5. This Consent Order supersedes the Order of Suspension and Summary Order of Prohibition previously issued against Respondent Thomas Rudolph Fortino, d/b/a Alpha Wealth Group.

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6. The Notice of Hearing dated January 29, 2013, as it relates to Respondent Thomas Rudolph Fortino, d/b/a Alpha Wealth Group, is dismissed without further proceedings.

Entered. This 29th day of January, 2013.

A handwritten signature in cursive script that reads "Jesse White" followed by a small mark that appears to be initials "JW".

JESSE WHITE
Secretary of State
State of Illinois

NOTICE. Failure to comply with the terms of this Order shall be a violation of Section 12.D of the Act. 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 the Order shall be guilty of a Class 4 Felony.

Attorney for the Secretary of State:

James Gleffe
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Office of the Secretary of State
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