

STATE OF ALABAMA  
ALABAMA SECURITIES COMMISSION

IN THE MATTER OF:        )  
  )  
SETH BRIAN KANARICK    )  
  )  
                                  RESPONDENT  )

ADMINISTRATIVE ORDER  
NO. OB-2001-00 31

ORDER OF BAR

The Alabama Securities Commission ("Commission"), having the power to administer and provide for the enforcement of all provisions of Title 8, Chapter 6, Code of Alabama 1975, the Alabama Securities Act, upon due consideration of the subject matter hereof, has determined as follows:

RESPONDENT

1. Respondent Seth Brian Kanarick ("KANARICK") was a registered representative of Myers Pollock Robbins, Inc. ("MPR") from November 10, 1995 to December 18, 1997 with a business address of 950 Third Avenue, New York, NY. His residence address is 245 East 54<sup>TH</sup> Street, Apt.4R, New York, NY 10022.

STATEMENT OF FACTS

2. On April 25, 2000, Respondent KANARICK was indicted in the State of New York in charges of: (1) Enterprise Corruption, (2) Scheme to Defraud, 1<sup>st</sup> Degree, (3) General Business Law, (Martin Act), (4) Grand Larceny, 3<sup>rd</sup> Degree, (5) Grand Larceny, 4<sup>th</sup> Degree, (6) General Business Law (Martin Act) (Class E), (7) Falsifying Business Records, (8) Tampering with Physical Evidence and (9) Tampering with Physical Evidence (Suppression). Respondent KANARICK was alleged to have committed the crimes in connection with his employment as a registered representative of MPR. Allegedly, MPR agents routinely disseminated false and misleading

promotional and “research” material and used false and misleading sales pitches to convince customers to buy stocks. MPR agents falsely assured customers that the price of these stocks would rise quickly. They misrepresented the companies' business prospects, falsely claimed to possess “inside” information, and claimed that MPR’s research department had recommended the stocks, when, in fact, MPR had no research department. They omitted to advise customers that the stocks were illiquid, highly risky investments in companies with no histories, or histories of losses and with little prospects for the future.

3. On, April 25, 2001, Respondent KANARICK entered a guilty plea in the Supreme Court of the State of New York, County of New York, to one count of Attempted Enterprise Corruption, a felony.

#### CONCLUSIONS OF LAW

4. Pursuant to the provisions of Section 8-6-3(j), Code of Alabama 1975, the Alabama Securities Commission may suspend, revoke, deny, censor or bar any applicant or registrant or any officer, director, partner, or person occupying a similar status or performing similar functions if the Commission finds that the Order is in the public interest and the applicant or registrant has willfully violated or willfully failed to comply with any provisions of this article, or a predecessor act, or any rule or order under this article or a predecessor act.

This Order is appropriate in the public interest for the protection of investors and consistent with the purposes of the Alabama Securities Act.

**ACCORDINGLY, IT IS HEREBY ORDERED** that **RESPONDENT KANARICK** be **BARRED** from registration or engaging in securities activities into, within or from the state of Alabama.

Entered at Montgomery, Alabama this 23<sup>rd</sup> day of MAY, 2001.



ALABAMA SECURITIES COMMISSION  
770 Washington Avenue, Suite 570  
Montgomery, AL 36130-4700  
(334) 242-2984

BY:

A handwritten signature in black ink, appearing to read "Joseph P. Borg", is written over the printed name and title.

JOSEPH P. BORG  
Director