

STATE OF ALABAMA  
ALABAMA SECURITIES COMMISSION

IN THE MATTER OF:

|                   |   |                      |
|-------------------|---|----------------------|
| ASIF USMAN KIANI  | ) | ADMINISTRATIVE ORDER |
|                   | ) | NO. CD-2007-0030     |
| <u>RESPONDENT</u> | ) |                      |

CEASE AND DESIST ORDER

The Alabama Securities Commission ("Commission"), having the authority to administer and provide for the enforcement of all provisions of Title 8, Chapter 6, Code of Alabama 1975, the Alabama Securities Act ("Act"), upon due consideration of the subject matter hereof, and having confirmed information of the offers for sale and/or sale of securities, into, within or from the state of Alabama, has determined as follows:

RESPONDENT

1. ASIF USMAN KIANI (KIANI), (CRD# 4398384) was previously registered from October 2001 through February 5, 2007, in the state of Alabama as an Investment Advisor Representative associated with Merrill Lynch, with a home address of 403 Hollywood Road, Gadsden, Alabama 35901. During all times relevant to the issuance of this Order KIANI was not registered as a Securities Agent in the state of Alabama.

STATEMENT OF FACTS

2. The Alabama Securities Commission is in receipt of information that on February 15, 2007, KIANI made an offer to an Alabama resident, a Merrill Lynch customer who was a client of KIANI's when KIANI was employed by Merrill Lynch, offering to invest the resident's \$100,000 in a "Private Fund". KIANI promised the investor an 8% return on his investment and told him that his principal would be returned at the end of one year. The resident was not aware that KIANI was not registered when KIANI solicited him to invest.

3. The investor's money was deposited into KIANI's personal account in an Am-South bank located in the city of Gadsden, Etowah County, Alabama. KIANI used the money for his own personal use.

4. On July 11, 2007, a review of the files of the Alabama Securities Commission Registration Division revealed that KIANI was temporarily registered from October 2001 through February 5, 2007.

5. On July 11, 2007, a review of the files of the Alabama Securities Commission Registration Division revealed no record of registration or exemption from registration of the securities referenced in item (2) of this Order.

#### CONCLUSIONS OF LAW

6. The sale of securities by an unregistered dealer or agent in the state of Alabama is a violation of Section 8-6-3(a), Code of Alabama 1975, which makes it unlawful for any person to transact business in this state as a dealer or agent for securities unless he is registered under this article. KIANI was not registered as an Agent to sell Securities in the State of Alabama.

7. Pursuant to Section 8-6-4, Code of Alabama 1975, it is unlawful to offer or sell any security unless the security is registered under the Act. The securities offered and/or sold by KIANI were not registered or exempt from registration in the state of Alabama.

This Order does not prevent the Alabama Securities Commission from seeking such other civil or criminal remedies that are available to it under the Act.

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

**ACCORDINGLY, IT IS HEREBY ORDERED** that RESPONDENT ASIF USMAN KIANI immediately **CEASE AND DESIST** from further offers or sales of any security into, within or from the state of Alabama.

Entered at Montgomery, Alabama, this 14<sup>th</sup> day of November, 2007.

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



J. RANDALL MCNEILL  
Deputy Director