

**STATE OF ALABAMA
ALABAMA SECURITIES COMMISSION**

IN THE MATTER OF)	
)	
MOWELL FINANCIAL GROUP, INC.,)	ADMINISTRATIVE ORDER
)	NO. CD-2006-0005
Respondent.)	
_____)	

CONSENT 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. **MOWELL FINANCIAL GROUP, INC.** ("MOWELL") is a Florida domiciled corporation with a business address of 407 East Sixth Avenue, Tallahassee, Florida 32303-6312.

STATEMENT OF FACTS

2. MOWELL has been registered as a broker-dealer with the United States Securities Exchange Commission since March 16, 1981 and with FINRA (f/k/a NASD, Inc.) since April 23, 1981.

3. On or about October 29, 2003, MOWELL electronically filed a Form BD through the FINRA's Central Registration Depository as an application for registration as a securities dealer in the State of Alabama.

4. As of the date of this Consent Order, MOWELL's application for registration as a dealer is pending. Moreover, MOWELL is not exempt from registration as a dealer.

5. On December 29, 2003, the commission staff issued a visitation letter to MOWELL'S clearing firm, Raymond James and Associates, Inc. ("Raymond James"). Raymond James responded to the Commission's request by providing information showing that securities transactions had been effected by MOWELL in the accounts of an investor who was residing with his family in the State of Alabama.

6. To explain the unregistered trades disclosed by Raymond James, MOWELL has represented to the Commission that the Alabama investor opened the family's accounts while residing in Florida. MOWELL further represents that the investor and his family later became residents of the State of Alabama while maintaining a Florida address. MOWELL represents to the Commission that MOWELL was never notified of the investor's change of residency and that MOWELL had no knowledge of the change of residency.

7. Beginning in November 2001 and continuing through August 2005, MOWELL effected the following transactions in the accounts of the Alabama investor's family: Family Limited Partnership (Account No. xxxxxx): 47 buys and 48 sales; Husband and Wife as Tenants in Common (Account No. xxxxxx): 68 buys and 60 sales; Husband and Wife as Tenants in Common (Account No. xxxxxx): 93 buys and 122

sales; Husband and Wife as Tenants in Common (Account No. xxxxxx): 27 buys and 25 sales; and Husband and Wife as Tenants in Common (Account No. xxxxxx): 50 buys and 33 sales.

8. The Commission issued a Cease and Desist Order to MOWELL on March 9, 2006. MOWELL contacted the Alabama investor at that time to ask about his residency. After having received advice from counsel, MOWELL again contacted the investor and “offered to make the investor whole on the trades at issue.” The investor declined MOWELL’S offer at that time.

9. On or about August 25, 2006, the Alabama investor contacted MOWELL and informed him that he and his family were moving back to Florida. MOWELL again offered to “make him whole” and the investor declined MOWELL’s offer a second time.

10. On December 4, 2008, MOWELL met with the staff of the Alabama Securities Commission and disclosed all relevant information regarding the transactions effected for the investor. MOWELL agreed to again offer the Alabama investor complete rescission of the trades in accordance with the remedies codified at *Code of Alabama (1975) §8-6-19*.

11. On January 8, 2009, MOWELL, in writing through counsel, informed the Alabama investor of his right to rescission. The investor declined MOWELL’s rescission offer on January 12, 2009. The documents signed by the investor were submitted to the staff at the Commission.

CONCLUSIONS OF LAW

12. Pursuant to *Code of Alabama 1975, Section 8-6-3(a)*, it is unlawful for any person to transact business in this State as a broker-dealer for securities unless properly registered under the Alabama Securities Act. MOWELL effected transactions in securities in Alabama for and on behalf of an Alabama investor without benefit of registration in violation of *Code, Section 8-6-3(a)*.

WHEREAS, MOWELL admits that securities transactions were effected in the state of Alabama prior to registration, and that the Statement of Facts set out hereinabove are true and correct; that the assertions MOWELL made and provided during the Commission's investigation of this matter are true and correct; and that MOWELL acknowledges its understanding that the Commission relied upon the facts as set forth in the Statement of Facts, paragraphs 2 through 7 above, in entering into this Consent Order;

WHEREAS, MOWELL has voluntarily agreed to waive all rights to a hearing upon entry of this Order and has consented to the entry of this Order; and

WHEREAS, the Commission finds this Order necessary and appropriate in the public interest for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of the Act; and

WHEREAS, the Commission and MOWELL are desirous of settling this matter as hereafter set forth and agree to the entry of this Order;

ACCORDINGLY, IT IS HEREBY ORDERED:

1. That RESPONDENT MOWELL FINANCIAL GROUP, INC. shall, until such time as it is properly registered with the State of Alabama as a broker-dealer, refrain from effecting securities transactions into, within or from the State of Alabama.

2. That RESPONDENT MOWELL FINANCIAL GROUP, INC. shall ensure that proper procedures are enacted to preclude any future non-compliance with the Act.

3. That in accordance with Section 8-6-19(j)(1), Code of Alabama 1975, MOWELL shall pay to the State of Alabama an administrative assessment in the sum of One Hundred Twenty Five Thousand Dollars (\$125,000) in disgorgement of commissions, payable as follows:

(a). Within ten (10) business days following the close of each calendar quarter (beginning on January 1, 2009, the first quarter of 2009), MOWELL shall pay to the State of Alabama an amount equal to 5% of its gross commissions earned for that calendar quarter.

(b). MOWELL shall furnish along with each quarterly payment a copy of its FOCUS Report for that quarter, reflecting the gross commissions earned.

(c). If MOWELL's financial condition is such at the end of any given calendar quarter that, in good faith, the firm is of the opinion that the required quarterly payment to the State of Alabama cannot be made without subjecting the firm to such extreme financial hardship that the firm's continued existence is jeopardized, MOWELL may petition the Commission, in writing, for permission

to reduce, or avoid completely, that quarter's required payment. Such decision shall be in the Commission's sole discretion.

(d). The quarterly payments shall continue until either (a) the payments total One Hundred Twenty Five Thousand Dollars (\$125,000), or (b) the Commission relieves MOWELL of any further obligation to make the quarterly payments, whichever occurs earlier.

(e). MOWELL shall incur no obligation to make payment to the State of Alabama in any given calendar quarter until ten (10) business days following the close of that calendar quarter. MOWELL and the Commission expressly acknowledge and agree that it is their mutual intent that MOWELL's obligation to make the quarterly payments hereunder shall not be a liability that MOWELL is required to characterize as a liability in connection with the computation of its net capital under SEC Rule 15c3-1 until ten (10) days after each calendar quarter.

4. That the entry of this Order resolves the Cease and Desist Order, Administrative Order No. CD-2006-0005, issued on March 6, 2006.

AGREED AND CONSENTED to on the date indicated.

MOWELL FINANCIAL GROUP, INC.

By: 

Title: President / owner

Date: 1/30/09

APPROVED AND AGREED THIS 13th DAY OF February, 2009.

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



By:

A handwritten signature in black ink, which appears to be "JP Borg", is written over a horizontal line. The signature is fluid and cursive.

JOSEPH P. BORG, Esq.
Director