

STATE OF ALABAMA  
ALABAMA SECURITIES COMMISSION

IN THE MATTER OF: )  
FRANK JOSEPH MESSINA )  
RESPONDENT )

ADMINISTRATIVE ORDER  
NO. OB-2001-00 32

## 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 Frank Joseph Messina ("MESSINA") was a registered representative of Myers Pollock Robbins, Inc. ("MPR") in the State of Alabama from January 31, 1994 to July 16, 1997, with a business address of 67 Wall Street, New York, NY. His residence address is 24 Franklin Drive, Freehold, NJ 07728.

## STATEMENT OF FACTS

2. On April 25, 2000, Respondent MESSINA was indicted in the State of New York on charges of: (1) Enterprise Corruption, (2) Scheme to Defraud, 1<sup>st</sup> Degree, (3) General Business Law, (Martin Act), (4) General Business Law, (Martin Act) (Class E), and (5) Falsifying Business Records. Respondent MESSINA 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 24, 2001, Respondent MESSINA 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 MESSINA** be **BARRED** from registration or engaging in securities activities into, within or from the state of Alabama.

Entered at Montgomery, Alabama this 23 day of MAY, 2001.



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