

STATE OF ALABAMA
ALABAMA SECURITIES COMMISSION

IN THE MATTER OF:)
THOMAS JOHN DOWNEY, JR.)
RESPONDENT)
ADMINISTRATIVE ORDER
NO. OB-2001-0046

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 Thomas John Downey, Jr. ("DOWNEY") was a registered agent of Duke & Company, Inc., in the State of Alabama, from March 10, 1993 to March 27, 1998 with a business address of 909 Third Avenue, New York, NY 10022. His home address is 15 Malcom Road, Mahwah, NJ 07430.

STATEMENT OF FACTS

2. On May 5, 1999, Respondent DOWNEY was indicted by the Grand Jury of New York County, NY, on charges of Violation of New York State General Business Law. Respondent DOWNEY was alleged to have committed crimes in connection with his employment as a registered representative of Duke & Company, Inc. Respondent DOWNEY allegedly sold securities to customers using fraud and deceit, manipulated the prices of securities and refused to comply with customers' orders to sell securities.

3. On October 22, 2001, Respondent DOWNEY was convicted of multiple counts of securities fraud, and a scheme to defraud under New York's Martin Act, in the Supreme Court of the State of New York, County of New York.

CONCLUSIONS OF LAW

4. Respondent DOWNEY has violated the provisions of Section 8-6-17 (b) (4), Code of Alabama 1975, by engaging in dishonest or unethical practices.
5. The Commission may, pursuant to Section 8-6-3 (j) (7) Code of Alabama 1975, bar, censor, suspend or revoke the registration of any agent if it finds that the order is in the public interest, and that the agent has engaged in dishonest or unethical practices in the securities business.
6. The dishonest and unethical sales practices alleged in the sale of securities by Respondent DOWNEY raises an inference of willful violation or failure to comply with the Alabama Securities Act or rules promulgated there under.

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 be **BARRED** from registration or engaging in securities activities into, within or from the state of Alabama.

Entered at Montgomery, Alabama this 5 th day of November, 2001.



ALABAMA SECURITIES COMMISSION
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BY
JOSEPH P. BORG
Director