

STATE OF ALABAMA
ALABAMA SECURITIES COMMISSION

IN THE MATTER OF

JAMES K. MATTER

RESPONDENT

ADMINISTRATIVE ORDER
NO. OB-2003-0004

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 JAMES K. MATTER ("MATTER"), from April 1995 to April, 2000, was an Alabama registered agent of an Alabama registered dealer, New York Life Securities, Inc. MATTER's last listed address is 3611 Provident Ct. Mobile, AL 36608.

STATEMENT OF FACTS

2. Between March 29, 1999 and April 4, 2000 MATTER committed a dishonest and unethical breach of fiduciary trust by converting \$146,911.10 from a customers investment account to his personal use.
3. Between July 17, 1996 and January 1998, MATTER committed a dishonest and unethical breach of fiduciary trust by obtaining thirteen (13) checks from a customer and converting \$153,094.82 to his personal use.

4. Between January 20, 2000 and March 8, 2000, MATTER committed a dishonest and unethical breach of fiduciary trust by investeing \$2,267,000.00 in a variable annuity, contrary to the investor's direction that the funds should be invested in a short term high yield corporate fund.

CONCLUSIONS OF LAW

5. Pursuant to the provisions of Section 8-6-3(j) (7), 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 engaged in dishonest or unethical practices in the securities business.

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

Entered at Montgomery, Alabama this 28th day of February, 2003.

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

BY:


JOSEPH P. BORG
Director

