



OFFICE OF THE SECRETARY OF STATE  
STATE OF MISSOURI

IN THE MATTER OF:

BUTLER, WICK & CO., INC. (CRD #120)            )  
City Centre One, Ste. 700                        )  
Youngstown, Ohio 44503,                        )  
Respondent.   )

Case No. AP-04-70

**CONSENT ORDER**

1. The Missouri Securities Division alleges that Butler, Wick & Co., Inc. ("BWC") engaged in activities as an unregistered broker-dealer in violation of Section 409.4-401, RSMo Cumulative Supp. 2003.
2. BWC desires to settle the allegations and the matters raised by the staff of the Securities Division relating to BWC's unregistered broker-dealer activities.
3. BWC and the Securities Division consent to the issuance of this Consent Order.
4. BWC stipulates and agrees to the issuance of this Consent Order without further proceedings in this matter, agreeing to be fully bound by the terms and conditions specified herein.
5. BWC waives its right to a hearing with respect to this matter.
6. BWC stipulates and agrees that they waive any rights that they may have to seek judicial review or otherwise challenge or contest the terms and conditions of this Order. Further, BWC specifically forever releases and holds harmless the Missouri Office of Secretary of State, Secretary of State, Commissioner of Securities and their respective representatives and agents from any and all liability and claims arising out of, pertaining to or relating to this matter.

7. BWC stipulates and agrees that, should the facts contained herein prove to be false or incomplete, the Missouri Division of Securities preserves the right to pursue any and all legal or administrative remedies at its disposal.

### **STIPULATIONS OF FACT**

8. BWC is a broker-dealer based in Ohio and has an address of City Centre One, Suite 700, Youngstown, Ohio 44503. BWC has never been registered as a broker-dealer in the State of Missouri.
9. From 2001 to date, BWC transacted business in Missouri as a broker-dealer with five or more Missouri customers during each year.

### **JURISDICTIONAL BASIS**

10. BWC and the Securities Division stipulate and agree that the Commissioner has jurisdiction over these matters pursuant to the Missouri Securities Act, Chapter 409, et al.
11. BWC and the Securities Division stipulate and agree that the Commissioner has authority to enter this Consent Order pursuant to Section 409.6-604(h), RSMo Cumulative Supp. 2003, which provides:

The commissioner is authorized to issue administrative consent orders in the settlement of any proceeding in the public interest under this act.

### **ORDER**

**WHEREAS**, the Commissioner, after consideration of the stipulations set forth above and on the consent of Butler, Wick & Co., Inc. and the Securities Division, finds the following Order to be in the public interest, necessary for the protection of public investors and consistent with the provisions of Chapter 409, et al., RSMo Cumulative Supp. 2003.

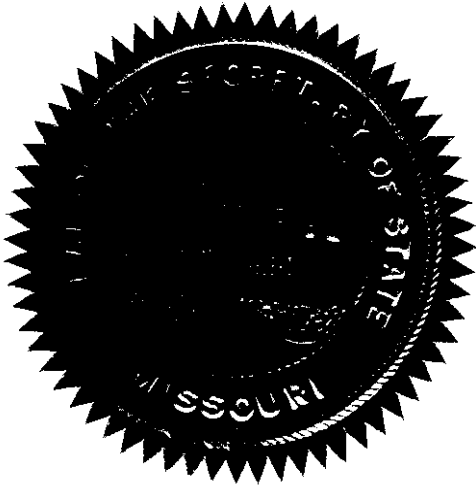
**NOW, THEREFORE**, it is hereby Ordered that:

1. BWC is prohibited from conducting business as an unregistered broker-dealer in violation of Section 409.4-401, RSMo Cumulative Supp. 2003.
2. BWC shall pay \$11,600 to the Missouri Secretary of State's Investor Education and Protection Fund. Such amount shall be immediately due and payable.

3. BWC shall pay its own costs and attorneys fees with respect to this matter.

**SO ORDERED:**

WITNESS MY HAND AND OFFICIAL SEAL OF MY OFFICE AT JEFFERSON CITY,  
MISSOURI THIS 6<sup>th</sup> DAY OF October, 2004.



MATT BLUNT  
SECRETARY OF STATE

DOUGLAS M. OMMEN  
COMMISSIONER OF SECURITIES

Consented to by:

Mary S. Hosmer  
Assistant Commissioner for Enforcement  
Missouri Division of Securities

Butler, Wick & Co., Inc.

By:

Franklin S. Bennett, Jr.  
General Counsel & Chief Administrative Officer