

State of Missouri
Office of Secretary of State

Case No. AP-07-61

IN THE MATTER OF:

ALAN GLOR,
CRD #2341019

Respondent.

Serve at:

1672 Highway 32
Bolivar, MO 65613

CONSENT ORDER

The Enforcement Section of the Securities Division of the Office of Secretary of State alleges that Alan Glor engaged in unethical business activities in violation of §409.4-412(d)(13), RSMo. (Cum. Supp. 2006).

Respondent and the Securities Division desire to settle the allegations and the matters raised by the Securities Division relating to Respondent's alleged activities.

CONSENT TO JURISDICTION

1. Respondent and the Securities Division stipulate and agree that the Commissioner has jurisdiction over this Respondent and these matters pursuant to the Missouri Securities Act, Chapter 409, et seq.
2. Respondent and the Securities Division stipulate and agree that the Commissioner has authority to enter this Consent Order pursuant to §409.6-604(h), RSMo. (Cum. Supp. 2006), which provides:

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

WAIVER AND EXCEPTION

3. Respondent waives his right to a hearing with respect to this matter.
4. Respondent waives any rights that he may have to seek judicial review or otherwise challenge or contest the terms and conditions of this Order. Respondent 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.
5. Respondent and the Securities Division stipulate and agree that, should the facts contained herein prove to be false or incomplete, the Missouri Securities Division reserves the right to pursue any and all legal or administrative remedies at its disposal.

CONSENT TO COMMISSIONER'S ORDER

6. Respondent and the Securities Division stipulate and agree 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.
7. Respondent consents to the Commissioner's Findings of Fact and Conclusions of Law as set forth below solely for the purposes of this proceeding and any other proceeding that may be brought to enforce the terms of this Consent Order.
8. Respondent agrees not to take any action or to make or permit to be made any public statement creating the impression that this Order is without a factual basis.

COMMISSIONER'S FINDINGS OF FACT AND CONCLUSIONS OF LAW

9. Alan Glor ("Respondent") has an address of 1672 Highway 32, Bolivar, Missouri 65613.
10. Respondent was registered in Missouri as a securities agent and as an investment adviser representative of Linsco/Private Ledger Corp. ("LPL"), One Beacon Street, 22nd Floor, Boston, MA 02108-3106, CRD No. 6413, from August 8, 2001, until his discharge from the firm on August 23, 2007, for serving "as trustee of a customer account without the prior written approval of the firm"

11. Respondent is not presently associated with any broker-dealer or investment adviser.
12. At all times pertinent hereto, Linsco had in place a compliance manual that listed as a prohibited practice "Acting as custodian, trustee, successor trustee, co-trustee, power of attorney or executor of a customer account without written approval of LPL's Compliance Department. Exceptions may be made only in limited circumstances (e.g. family relationships)."
13. On June 29, 2004, a Missouri resident ("MR") entered a Self-Declaration of Revocable Intervivos Trust which named Respondent as Successor Trustee upon MR's death, resignation or incapacity. This document defined "incapacity" as ... "in the opinion of said physician, the person referred to therein is not capable of properly managing his or her property."
14. On June 29, 2004, MR entered a Power of Attorney appointing Respondent as Power of Attorney for specific matters should MR become partially disabled or incapacitated. These matters included opening and closing accounts at financial institutions, endorsing and writing checks, withdrawing funds from those accounts, and managing MR's investments in securities, including making buys and sells of securities.
15. On April 2, 2007, a Client Profile was completed by MR for purposes of opening a Strategic Asset Management investment advisory account with MR named as the Trustee of MR's Revocable Trust. Respondent was named as the investment adviser representative on that document.
16. On April 2, 2007, a Certification of Trust was completed by MR for MR's Revocable Trust. MR was named as Current Trustee and Respondent was named as Successor Trustee.
17. On June 27, 2007, MR resigned as Trustee. On that same date, Respondent signed an Acceptance of Appointment as Successor Trustee.
18. On June 27, 2007, Respondent signed on MR's behalf documents to open a checking account for MR's Trust with Respondent named as Trustee. Among other things, Respondent was granted the power to buy, sell and trade in securities.
19. On June 29, 2007, a facsimile and prepared letter was sent to a local doctor for signature that it was the doctor's opinion that MR was "unable by reason of physical and mental condition to receive and evaluate information or to communicate decisions ..." and "... because of her condition, she is unable to receive and evaluate information or to communicate decisions to such an extent that she lacks the ability to manage her financial resources." This form included a concurrence to be signed by Respondent. The doctor chose not to sign the form.
20. From June 27, 2007, through July 18, 2007, Respondent wrote checks on MR's Trust banking account.
21. An Investigator with the Division conducted a telephone interview of Respondent on September 7, 2007. During that interview, Respondent stated that the checks he wrote on MR's Trust banking account were for MR's bills and expenses.
22. On August 16, 2007, Respondent submitted a statement to the Division that he was not aware he had been appointed Power of Attorney for MR until June 27, 2007, when MR's attorney advised him of this.
23. On August 17, 2007, LPL submitted a statement to the Division that Respondent had not advised them that MR had appointed Respondent to serve as power of attorney.
24. Further correspondence from LPL dated September 13, 2007, states Respondent failed to provide written notice to LPL's Compliance Department and LPL never approved Respondent's appointment as successor trustee on MR's accounts.
25. An Order is in the public interest and consistent with the purposes intended by the Missouri Securities Act.

ORDER

WHEREAS, the Commissioner, after consideration of the above and on the consent of Respondents 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, RSMo. (Cum Supp. 2006).

NOW THEREFORE, it is hereby Ordered that:

1. Respondent will not serve in the capacity of trustee, successor trustee, power of attorney, or any other position in which he would be given the authorization to:
 - a. Hold, directly or indirectly, customer funds or securities;
 - b. Have any authority to obtain possession of customer funds or securities; or
 - c. Obtain the power to endorse or write checks withdrawing funds from customer accounts.

The above restrictions shall not apply in any instance which the Respondent is acting in the otherwise forbidden capacity for himself, his wife, his direct ancestors, or his direct decedents.

2. Respondent will comply with his employing broker-dealer and/or investment adviser's Compliance Procedures.

3. Respondent shall file with the Enforcement Division of the Missouri Secretary of State a written statement under oath subject to the penalties of making a false oath or affidavit, certifying that he has complied with the terms, provisions and conditions of Sections 1 and 2 of the Order Section of this Consent Order. Such statement shall be filed at least annually on or before the 1st day of December in the years 2008 and 2009.
4. Respondent shall pay to the Missouri Investor Education and Protection Fund the amount of three thousand dollars (\$3,000.00); two thousand dollars (\$2,000.00) of this payment will be suspended provided that Respondent complies with the terms of this order. The remaining one thousand dollars (\$1,000.00) shall be sent to the Securities Division at 600 West Main St., Jefferson City, MO 65101 within thirty (30) days from the date of this Consent Order.
5. The suspended payment in paragraph 4 above shall become immediately payable, under operation of law, upon Respondent's failure to comply with the terms of this order, and such immediately due payments shall be in addition to all other penalties then available under the law; and
6. Respondent shall pay his own costs and attorney fees with respect to this matter.

SO ORDERED:

WITNESS MY HAND AND OFFICIAL SEAL OF MY OFFICE AT JEFFERSON CITY, MISSOURI THIS 19TH DAY OF NOVEMBER, 2007.

ROBIN CARNAHAN
SECRETARY OF STATE

(Signed/Sealed)
MATTHEW D. KITZI
COMMISSIONER OF SECURITIES

Consented to by:

Mary S. Hosmer
Assistant Commissioner of Securities
Missouri Securities Division

Alan Glor