DENISE VOIGT CRAWFORD SECURITIES COMMISSIONER

DON A. RASCHKE DEPUTY SECURITIES COMMISSIONER

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Texas State Securities Board

208 E. 10th Street, 5th Floor Austin, Texas 78701-2407 www.ssb.state.tx.us

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JACK D. LADD CHAIRMAN

KENNETH W. ANDERSON. JR MEMBER

> BRYAN K. BROWN MEMBER

BETHANN BLACKWOOD MEMBER

> WILLIAM R. SMITH MEMBER

### IN THE MATTER OF THE INVESTMENT ADVISER REGISTRAION OF MENDELOVITZ& URBAN ADVISORS, L.L.C.

Order NO. IC06-CAF-45

 TO: Mark C. Mendelovitz, Member Mendelovitz & Urban Advisors, L.L.C. (IARD No. 115269) 4700 Braeburn Drive Bellaire, TX 77401

# DISCIPLINARY ORDER

Be it remembered that Mendelovitz & Urban Advisors, L.L.C. ("Respondent") by and through Mark C. Mendelovitz, its Member, appeared before the Securities Commissioner of the State of Texas ("Securities Commissioner") and consented to the entry of this order ("Order"), the Undertaking incorporated by reference herein, and the Findings of Fact and the Conclusions of Law contained herein.

# FINDINGS OF FACT

- Respondent has waived (a) Respondent's right to notice and hearing in this matter; (b) Respondent's right to appear and present evidence in this matter; (c) Respondent's right to appeal this Order; and (d) all other procedural rights granted to Respondent by The Securities Act, TEX. REV. CIV. STAT. ANN. art. 581-1 et seq. (Vernon 1964 & Supp. 2006) ("Texas Securities Act") and the Administrative Procedure Act, TEX. GOV'TCODE ANN. § 2001.001 et seq. (Vernon 2000 & Supp. 2006) ("Administrative Procedure Act").
- 2. From on or about March 6,2000 to on or about December 31,2002, Respondent was registered with the Securities Commissioner as an investment adviser restricted to solicitor activities.
- 3. As of February 23, 2004, Respondent renewed its registration with the Securities Commissioner as an investment adviser restricted to solicitor activities, which is currently effective.
- 4. From on or about January **12**003 to on or about February 22,2004, Respondent solicited investment advisory client accounts, within Texas for compensation, for Merrill Lynch Asset Management and for Salomon Smith Barney Inc. (now Citigroup Global Markets Inc.).

- 5. Pursuant to Section 12.B of the Texas Securities Act and §116. (b)(1)(A) of the Rules and Regulations of the Texas State Securities Board ("Board Rules"), a person may not act or render services as an investment adviser or as an investment adviser representative, including acting as a solicitor, in Texas and for compensation, unless the person is registered or notice-filed as an investment adviser or as an investment adviser representative.
- 6. Pursuant to Section 23-1 of the Texas Securities Act, the Securities Commissioner may assess an administrative fine against any person found to have engaged in an act or practice that violates the Texas Securities Act or a Board Rule.

## CONCLUSIONS OF LAW

- 1. Respondent has acted as an "investment adviser representative" as that term is defined by Section 4.P of the Texas Securities Act.
- 2. Respondent engaged in the solicitation of client accounts at times when Respondent was not registered with the Securities Commissioner as an investment adviser or an investment adviser representative.
- 3. The solicitations of client accounts by Respondent, at times when Respondent was neither exempt nor registered or notice-filed with the Securities Commissioner, constitute violations of Section 12.B of the Texas Securities Act and §116.1(b)(1)(A) of the Board Rules.
- **4.** Pursuant to Section 14.A(6) of the Texas Securities Act, the foregoing violations constitute bases for the issuance of an order reprimanding a registered investment adviser.
- 5. Pursuant to Section 23-1 of the Texas Securities Act, the foregoing violations of the Texas Securities Act and the Board Rules constitute bases for the issuance of an order assessing an administrative fine against an investment adviser.

### <u>ORDER</u>

- 1. It is ORDERED that Mendelovitz & Urban Advisors, L.L.C. is hereby REPRIMANDED.
- 2. It is further ORDERED that Mendelovitz & Urban Advisors, L.L.C. is hereby ASSESSED AN ADMINISTRATIVE FINE in the amount of Two Thousand Five Hundred Dollars (\$2,500.00). Payment shall be made by delivery of a cashier's check to the Securities Commissioner in the amount of Two Thousand Five Hundred Dollars (\$2,500.00), payable to the State of Texas, contemporaneously with the delivery of this Order.

3. It is further ORDERED that Mendelovitz & Urban Advisors, L.L.C. COMPLY with the terms of the Undertaking, incorporated by reference herein.

SIGNED AND ENTERED BY THE SECURITIES COMMISSIONER this 5+h day of **October** ,2006.

Denise Voigt Crawford

DENISE VOIGT CRAWFORD Securities Commissioner

Respondent:

Mendelovitz & Urban Advisors. L.L.C.

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Mark C. Mendelovitz Member

Approved as to Form:

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Director Inspections and Compliance Division

# ACKNOWLEDGMENT

On the <u>25</u> day of <u>September</u>, 2006. Mendelovitz & Urban Advisors, L.L.C. ('Respondent''), by and through Mark C. Mendelovitz, its Member, appeared before me, executed the foregoing Order, and acknowledged that:

- 1. Mark C. Mendelovitz is duly authorized to enter into the foregoing Order on behalf of Respondent;
- 2. Mark C. Mendelovitz has read the foregoing Order;
- **3.** Respondent has been fully advised of its rights under the Texas Securities Act and the Administrative Procedure Act;
- 4. Respondent knowingly and voluntarily consents to the entry of the foregoing Order, and the Findings of Fact and Conclusions of Law contained herein; and
- 5. Respondent, by consenting to the entry of the foregoing Order, has knowingly and voluntarily waived its rights as set forth therein.



ca ary Public in and for The State of TINAS

My commission expires on: 5/10/2009