

4. From on or about July 24, 2000 to the present, Respondent James has been employed by Respondent FWS, was authorized by Respondent FWS to sell and did sell securities within the State of Texas, and has acted as an agent of Respondent FWS.
5. At all times relevant to this Order, Respondent James has not been registered with the Securities Commissioner as an agent of Respondent FWS, as required by Section 12.A of the Texas Securities Act and Section 115.1(b)(1)(A) of the Rules and Regulations of the Texas State Securities Board ("Board Rules").
6. Pursuant to Section 12.A of the Texas Securities Act and Section 115.1(b)(1)(A) of the Board Rules, a person may not sell or offer for sale any securities within the State of Texas in behalf of a dealer without first being registered as an agent for such dealer.
7. Pursuant to Section 115.2(a)(2) of the Board Rules, on or about July 24, 2000 Respondent FWS was required to file a Form U-4 with the Securities Commissioner for registration of Respondent James as an agent for Respondent FWS.
8. On or about August 10, 2000, Respondent FWS filed a Form U-4 for Respondent James which failed to designate any state jurisdiction. On or about November 6, 2003, Respondent FWS filed a Form U-4 amendment, which for the first time, designated a Texas agent jurisdiction for Respondent James.

CONCLUSIONS OF LAW

1. The failure to timely file a Form U-4 with the Securities Commissioner for registration of Respondent James as an agent for Respondent FWS, is a violation of Section 115.2(a)(2) of the Board Rules.
2. Pursuant to Sections 14.A(5)(a) and 14.A(6) of the Texas Securities Act, the selling of securities in Texas through an unregistered agent and the above violation of Board Rules constitutes bases for the issuance of an order reprimanding Respondent FWS.
3. The sale of securities within the State of Texas in behalf of Respondent FWS at a time when Respondent James was not registered as an agent for Respondent FWS, is a violation of Section 12.A of the Texas Securities Act and Section 115.1(b)(1)(A) of the Board Rules.
4. Pursuant to Section 14.A(6) of the Texas Securities Act, the violation of the Texas Securities Act and the Board Rules constitutes basis for issuance of an order reprimanding Respondent James.
5. Pursuant to Section 23-1.A(3) of the Texas Securities Act, the violation of the Texas Securities Act and the Board Rules constitutes basis for issuance of an order assessing an administrative fine against Respondent James.

ORDER

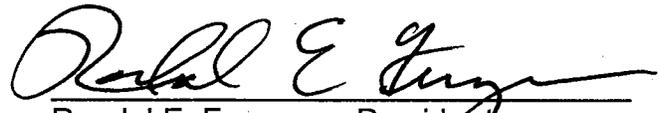
1. It is therefore ORDERED that the agent registration of Gayland Kyle James as an agent of First Western Securities, Inc. is hereby GRANTED.
2. It is further ORDERED that First Western Securities, Inc. and Gayland Kyle James are hereby REPRIMANDED.
3. It is further ORDERED that Gayland Kyle James is ASSESSED AN ADMINISTRATIVE FINE in the amount of One Thousand Six Hundred Dollars (\$1,600.00). Payment shall be made by delivery of a cashier's check to the Securities Commissioner in the amount of One Thousand Six Hundred Dollars (\$1,600.00), payable to the State of Texas, contemporaneously with the delivery of this Order.

SIGNED AND ENTERED BY THE ^{Deputy} SECURITIES COMMISSIONER this 13th day of May, 2004.


~~DENISE VOIGT CRAWFORD~~
Deputy Securities Commissioner

RESPONDENTS:


Gayland Kyle James


Randal E. Ferguson, President
First Western Securities, Inc.

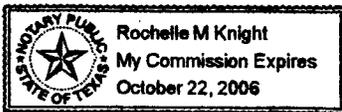
Approved as to Form:


Benette Zivley
Director
Inspections and Compliance Division

ACKNOWLEDGMENT

On the 20th day of April, 2004, Gayland Kyle James ("Respondent James") personally appeared before me, executed the foregoing Order, and acknowledged that:

1. Respondent James has read the foregoing Order;
2. Respondent James has been fully advised of his rights under the Texas Securities Act and the Administrative Procedure Act;
3. Respondent James knowingly and voluntarily consents to the entry of the foregoing Order and the Findings of Fact and Conclusions of Law contained therein; and,
4. Respondent James, by consenting to the entry of the foregoing Order, has knowingly and voluntarily waived Respondent James' rights as set forth therein.



Rochelle M. Knight
Notary Public in and for
the State of Texas

[affix notary seal here]

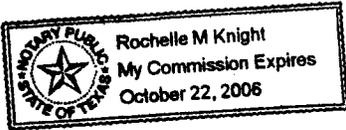
My commission expires on:

10/26/06

ACKNOWLEDGMENT

On the 20th day of April, 2004, First Western Securities, Inc. ("Respondent FWS"), appeared by and through Randal E. Ferguson, its President, executed the foregoing Order, and acknowledged that:

1. Randal E. Ferguson is duly authorized to enter into the foregoing Order on behalf of Respondent FWS;
2. Randal E. Ferguson has read the foregoing Order;
3. Respondent FWS has been fully advised of its rights under the Texas Securities Act and the Administrative Procedure Act;
4. Respondent FWS 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 FWS, by consenting to the entry of the foregoing Order, has knowingly and voluntarily waived its rights as set forth therein.



[affix notary seal here]

Rochelle M. Knight
Notary Public in and for
The State of Texas

My commission expires on: 10/22/06