

DENISE VOIGT CRAWFORD  
SECURITIES COMMISSIONER

JOHN R. MORGAN  
DEPUTY SECURITIES COMMISSIONER

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## Texas State Securities Board

208 E. 10th Street, 5th Floor  
Austin, Texas 78701-2407  
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### SOAH DOCKET NO. 312-09-3170 SSB DOCKET NO. IC09-02

IN THE MATTER OF  
FRED LUTHER MAY III

§  
§

Order No. IC09-CDO-08

### CONSENT CEASE AND DESIST ORDER

Be it remembered that Fred Luther May III ("Respondent") appeared before the Securities Commissioner of the State of Texas ("Securities Commissioner") and consented to the entry of this Order and the Findings of Fact and Conclusions of Law contained herein.

#### FINDINGS OF FACT

1. 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 the Respondent by the Securities Act, TEX. REV. CIV. STAT. ANN. art 581-1 et seq. (Vernon1964 & Supp. 2008) ("Texas Securities Act") and the Administrative Procedure Act, TEX. GOV'T CODE ANN. § 2001.001 et seq. (Vernon 2000 & Supp. 2008)("Administrative Procedure Act").
2. From on or about June 24, 1999 to on or about August 29, 2007, Respondent was registered with the Securities Commissioner as an agent and investment adviser representative of Securian Financial Services, Inc.
3. On twenty-five (25) occasions during the period from on or about September 27, 2004 through on or about August 21, 2007, Respondent submitted unauthorized requests for the transfer of funds, totaling four hundred seventy three thousand dollars (\$473,000.00), from the investment accounts of a client (the "Client") to a bank account controlled by Respondent.
4. Each of these transfer requests was made through a required distribution form. The distribution form required the account owner's signature on each form requesting a disbursement to a third-party. Respondent forged the Client's signature on the distribution forms that were not authorized by the Client.

CONCLUSIONS OF LAW

1. Respondent's forgery of client signatures and submission of unauthorized requests for distributions to a bank account under Respondent's control constitute fraudulent practices under the definition of "fraudulent practice" in Section 4.F of the Texas Securities Act.
2. Pursuant to Section 23.B of the Texas Securities Act, Respondent's fraudulent practices with respect to rendering services as an investment adviser representative are bases for the issuance of an Order requiring Respondent to cease and desist from engaging in the fraudulent conduct.

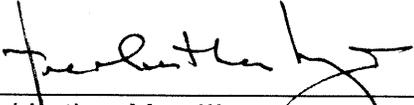
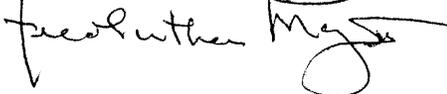
ORDER

It is therefore ORDERED that Fred Luther May, III hereby CEASE AND DESIST engaging in fraudulent conduct with respect to rendering services as an investment adviser representative.

SIGNED AND ENTERED BY THE SECURITIES COMMISSIONER this 15<sup>th</sup>  
day of April, 2009.

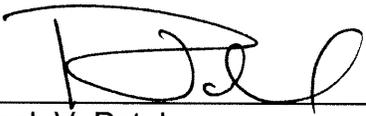
  
DENISE VOIGT CRAWFORD  
Securities Commissioner

Respondent:

  
Fred Luther May III  
 4/13/09

Approved as to Form:

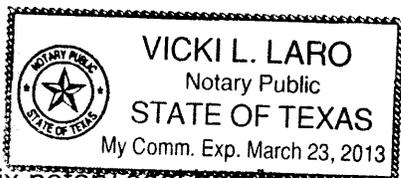
  
Benette L. Zivley  
Director  
Inspections and Compliance Division

  
Ronak V. Patel  
Attorney  
Inspections and Compliance Division

**ACKNOWLEDGMENT**

On the 13 day of April, 2009, Fred Luther May III ("Respondent") personally appeared before me, executed the foregoing Order, and acknowledged that:

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



[affix notary seal here]

Vicki L Laro  
Notary Public in and for  
the State of TEXAS

My commission expires on: 3-23-2013