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Texas State Securities Board

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IN THE MATTER OF THE APPLICATION
FOR INVESTMENT ADVISER
REPRESENTATIVE REGISTRATION OF
GARY MARTIN BORSCH

§
§
§
§

Order No. REG12-CEN-01

TO: Gary Martin Borsch (CRD No. 26369)
Professional Investment Counsel, Inc.
5845 Cromo Drive, Suite 3
El Paso, TX 79912

DISCIPLINARY ORDER

Be it remembered that Gary Martin Borsch ("Respondent") appeared before the Securities Commissioner of the State of Texas ("Securities Commissioner") and consented to the entry of this order ("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. (West 2010 & Supp. 2011) ("Texas Securities Act"), and the Administrative Procedure Act, TEX. GOV'T CODE ANN. § 2001.001 et seq. (West 2008 & Supp. 2011) ("Administrative Procedure Act").
2. From on or about October 1, 1978 to the present, Professional Investment Counsel, Inc. ("PIC") has been registered under the Investment Advisers Act of 1940 with the U.S. Securities and Exchange Commission as an investment adviser, is a federal covered investment adviser, and has been notice-filed with the Securities Commissioner since March 26, 2002. This registration is currently effective.

3. From on or about February 8, 1993 to on or about December 31, 2000, Respondent was registered with the Securities Commissioner as an investment adviser representative for PIC.
4. Pursuant to §116.2(f)(3) of the Rules and Regulations of the Texas State Securities Board effective August 12, 2001, all persons seeking registration with the Securities Commissioner as an investment adviser representative were required to file the Uniform Application for Securities Industry Registration or Transfer ("Form U-4") via the electronic filing system maintained by the National Association of Securities Dealers, Inc. ("NASD"), now known as the Financial Industry Regulatory Authority ("FINRA").
5. On May 9, 2002, Respondent had filed an electronic Form U-4 with the Securities Commissioner as an investment adviser representative of PIC, but did not transition onto the electronic filing system maintained by FINRA. The Form U-4 purged on November 6, 2002.
6. From on or about January 1, 2001 to the present, Respondent has rendered investment advisory services to PIC's clients on behalf of PIC, for compensation, at a time when Respondent was not registered as an investment adviser representative of PIC.
7. On or about March 5, 2012, Respondent applied for registration, by filing an electronic Form U-4, with the Securities Commissioner as an investment adviser representative of PIC, which is currently pending.
8. Section 12.B of the Texas Securities Act, prohibits a person from rendering services as an investment adviser representative in Texas unless the person is registered under the Texas Securities Act, submits a notice filing as provided by Section 12-1 of the Texas Securities Act, or is otherwise exempt.

CONCLUSIONS OF LAW

1. Respondent rendered services within the state of Texas as an "investment adviser representative" as that term is defined by Section 4.P of the Texas Securities Act.
2. From on or about January 1, 2001 to the present, Respondent has violated Section 12.B of the Texas Securities Act by rendering services as an investment adviser representative within the state of Texas for PIC at a time when Respondent was not registered with the Securities Commissioner as an investment adviser representative of PIC.
3. Pursuant to Section 14.A(6) of the Texas Securities Act, the foregoing violation constitutes a basis for the issuance of an order reprimanding a registered investment adviser representative.

ORDER

1. It is therefore ORDERED that the registration of Gary Martin Borsch as an investment adviser representative of Professional Investment Counsel, Inc. is hereby GRANTED.
2. It is further ORDERED that Gary Martin Borsch is hereby REPRIMANDED.

SIGNED AND ENTERED BY THE SECURITIES COMMISSIONER this 14th
day of December, 2012.


JOHN MORGAN
Securities Commissioner

Respondent:



Gary Martin Borsch

Approved as to Form:



Patricia A. Louterback
Director
Registration Division



Sheri Palma
Attorney
Registration Division

ACKNOWLEDGMENT

On the 12 day of December, 2012, Gary Martin Borsch ("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.




Notary Public in and for
the State of

[affix notary seal here]

My commission expires on: 09/08/13