

DENISE VOIGT CRAWFORD
SECURITIES COMMISSIONER



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State Securities Board

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JOSE ADAN TREVIÑO
MEMBER

SSB Docket No. 99-024

**IN THE MATTER OF THE AGENT REGISTRATION
OF FRANK RICHARDSON MINICHIELLO**

§
§

Order No. CAF-1353

**TO: Frank Richardson Minichiello (CRD# 2990740)
4120 S. Himalaya Way
Aurora, CO 80013**

DISCIPLINARY ORDER REPRIMANDING AN AGENT

Be it remembered that Frank Richardson Minichiello ("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 the 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 Respondent by The Securities Act, TEX. REV. CIV. STAT. ANN. art. 581-1 et seq. (Vernon 1964 & Supp. 1999) ("Texas Securities Act"), and the Administrative Procedure Act, TEX. GOVT CODE ANN. § 2001.001 et seq. (Vernon Supp. 1999) ("Administrative Procedure Act").
2. Respondent was charged with a felony on or about May 26, 1993. Respondent pled guilty to the felony charge on or about June 17, 1993, and was placed on deferred adjudication. The felony charge was dismissed on or about June 24, 1994, after completion of the terms of Respondent's probation.
3. The Form U-4 application for registration requires applicants to disclose any felony charge.
4. Respondent has been registered with the Securities Commissioner as an agent of Charles Schwab & Co., Inc., since on or about April 20, 1998. While applying for registration with Charles Schwab & Co., Inc., Respondent failed to disclose the felony charge on his Form U-4 application for registration as required by that form.

Respondent subsequently amended his Form U-4 application for registration to disclose the charge on or about August 3, 1998.

5. Pursuant to § 101.2(c) of the Rules and Regulations of the State Securities Board ("Board Rules") certain forms required to be filed with the Securities Commissioner, including Form U-4, have been adopted as Board Rules.

CONCLUSIONS OF LAW

1. A failure to disclose information required by Form U-4 constitutes a violation of a Board Rule.
2. The foregoing rule violation constitutes a violation of Sections 14.A(6) and 14.A(7) of the Texas Securities Act, which are bases for the issuance of an order reprimanding an agent.
3. Pursuant to Section 23-1 of the Texas Securities Act, the foregoing violations of the Texas Securities Act and Board Rules constitute bases for the issuance of an order assessing an administrative fine against an agent.

ORDER

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

SIGNED AND ENTERED BY THE SECURITIES COMMISSIONER this 26th day of March, 1999.

Denise Voigt Crawford

DENISE VOIGT CRAWFORD
Securities Commissioner

Respondent:
Frank Richardson Minichiello

Frank R. Minichiello

Approved as to Form:



Michael S. Gunst, Director
Dealer Registration Division



Charles S. Neal, Attorney
Enforcement Division

ACKNOWLEDGMENT

On the 24 day of MARCH, 1999, Frank Richardson Minichiello, 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 Respondent's 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 Respondent's rights as set forth therein.

[affix notary seal here]




Notary Public in and for
the State of Colorado

My commission expires on:

9-25-99