

STATE OF ALABAMA
ALABAMA SECURITIES COMMISSION

IN THE MATTER OF:)	
)	
MONA KILGORE WOOTEN)	ADMINISTRATIVE ORDER
)	NO: <u>CO-2010-0045</u>
RESPONDENT)	

CONSENT ORDER

The Alabama Securities Commission ("Commission"), having the authority to administer and provide for the enforcement of all provisions of Title 8, Chapter 6, Code of Alabama 1975, the Alabama Securities Act ("Act"), upon due consideration of the subject matter hereof, and having confirmed jurisdiction based upon offers for sale and/or sale of securities into, within or from the state of Alabama, has determined as follows:

RESPONDENT

1. **MONA KILGORE WOOTEN ("RESPONDENT")**, Central Registration Depository ("CRD") # 850578 is currently employed as a registered Investment Advisor Representative and Broker Dealer Agent with Morgan Stanley Smith Barney, ("MORGAN STANLEY"), CRD # 149777 with a business address of 2862 Dauphin Street, Mobile, Alabama, 36606.

STATEMENT OF FACTS

2. The Commission previously entered a Show Cause Order based upon the receipt of information which indicated that in 1993 **RESPONDENT**, while employed with Prudential Securities ("PRU") as a registered securities agent and Investment Advisor Representative, was engaged by sixteen (16) ex-employees of Chevron Oil Company to

act as their financial advisor regarding their personal retirement accounts. Six of the clients were identified as Alabama residents at the time of their retirement. The clients alleged that they suffered losses based upon certain financial advice by **RESPONDENT**. The clients also alleged that **RESPONDENT** approached certain Alabama clients and made introductions, referrals or recommendations regarding investments into companies that had not been approved by PRU.

3. The Commission is now in possession of an Award in a FINRA arbitration in which **RESPONDENT'S** clients asserted claims against PRU based upon the authorized investments recommended by **RESPONDENT**, as well as the unauthorized investments referenced above. However, **RESPONDENT** was dismissed from that action based upon a discharge in bankruptcy referenced below, and no award was entered against **RESPONDENT**.

4. **RESPONDENT** filed for Chapter 7 Bankruptcy in the United States Bankruptcy Court, Southern District of Alabama on December 30, 2008, but failed to disclose this action within the required thirty-day period. **RESPONDENT** reported the bankruptcy to CRD April 2, 2009.

5. Based upon the Award, **RESPONDENT'S** clients received a recovery against PRU based upon their investment losses.

CONCLUSION OF LAW

6. Commission Rule 830-X-3-.03(2) states, "if the information contained in any application for registration, or in any amendment thereto, becomes inaccurate for any reason, the investment advisor shall within 30 days file an amendment of Form ADV correcting such information in the manner provided in the General Instructions accompanying the form." **RESPONDENT** failed to make an amended filing on Form ADV to serve as notification of her bankruptcy within the allotted time frame and, therefore, violated this rule.

7. Pursuant to the provisions of Section 8-6-3(j)(6), Code of Alabama 1975, the Commission may suspend, revoke, censor or bar any registrant from employment with a securities dealer if the Commission finds that the Order is in the public interest, and that the registrant has violated or failed to comply with any provision of the Alabama Securities Act, or any rule or order issued by the Commission.

WHEREAS, RESPONDENT admits that she failed to disclose her Chapter 7 filing in the United States Bankruptcy Court, Southern District of Alabama, in the time required under Commission Rules; and

WHEREAS, RESPONDENT has voluntarily waived all rights to a hearing upon entry of this Order, and has consented to the entry of this Order; and

WHEREAS, the Commission finds this Order necessary and appropriate in the public interest for the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the Act; and

WHEREAS, RESPONDENT admits to the violation of failure to report the bankruptcy filing, referenced above; and

WHEREAS, the Commission and **RESPONDENT** are desirous of settling this matter as hereafter set forth and agree to the entry of this Order.

ACCORDINGLY, IT IS HEREBY ORDERED:

1. That **RESPONDENT** shall ensure she follows proper procedures to preclude any future non-compliance with the Act.

2. That **RESPONDENT** shall, after June 30, 2011, voluntarily cease to conduct active sales, exchanges, or recommendations of securities. Furthermore, it is

hereby stipulated that the **RESPONDENT** shall not make application for re-entry into active sales status.

3. Within thirty (30) days of June 30, 2011, **RESPONDENT** shall submit a certification to the Commission that she has complied with her voluntary agreement to cease active sales, exchanges or recommendations of securities in the State of Alabama.

AGREED AND CONSENTED to on dates indicated:

RESPONDENT:

MONA KILGORE WOOTEN

Mona Kilgore Wooten

DATE: 3 February 2011

APPROVED AND ORDERED this 7th day of February, 2011.

ALABAMA SECURITIES COMMISSION
401 Adams Avenue, Suite 280
Montgomery, AL 36130-4700
(334) 242-2984

BY

J. Randall McNeill

J. Randall McNeill
Deputy Director

