STATE OF NORTH CAROLINA

Department of The Secretary of State

THE NORTH CAROLINA SECURITIES DIVISION,	)	
	)	
Petitioner,	)	
	)	
vs.	)	**FINAL ORDER**
	)	**BY CONSENT**
CHRISTOPHER BROOKS MINTZ,	)	
	)	
Respondent.	)	**FILE NO. 09-SEC-237**

THIS CAUSE coming on to be heard and being heard before the Secretary of State of the State of North Carolina as Administrator (the "Administrator") of the North Carolina Securities Act (the "Act"); and

IT APPEARING to the Administrator that the undersigned Respondent desires to resolve the contentions of the Securities Division as found in the Administrative Petition filed in this matter, without further controversy or the full use of the procedural rights available to him under North Carolina law, and that Respondent, by his written consent to this Final Order, does not object to the making of Findings of Fact and Conclusions of Law and the entry of a Final Order in conformity therewith in this proceeding;

FINDINGS OF FACT

(1) Without admitting or denying the various factual matters and legal conclusions relevant to this controversy, the undersigned Respondent does not contest, does waive any and all objections to, and does waive and release any and all rights of appeal from, or judicial review

of, the making of Findings of Fact and Conclusions of Law, as set forth herein, and the entry of this Final Order in conformity therewith in this proceeding. By execution of the Consent to Entry of Final Order attached hereto, the undersigned Respondent expressly waives any right to a Notice of Hearing, a hearing, the making of findings of fact and conclusions of law, and all further proceedings before the Administrator to which he may be entitled by law, and any and all rights to seek judicial review or otherwise challenge the validity of this Final Order.

(2) The Administrator has jurisdiction over the subject matter of this proceeding and over the person of Respondent pursuant to the North Carolina Securities Act and the North Carolina Investment Advisers Act.

(3) Respondent **CHRISTOPHER BROOKS MINTZ**, hereinafter "Respondent Mintz", resides in Wake County, North Carolina.

(4) Respondent Mintz has been registered as a securities salesman in North Carolina pursuant to the Securities Act since May 1996. In June 2003, Respondent Mintz qualified for and obtained registration as an investment adviser representative in North Carolina pursuant to the Investment Advisers Act. In June 2003, Respondent Mintz affiliated with LPL Financial Corporation, hereinafter "LPL", as both a securities salesman and an investment adviser representative. LPL is registered as securities dealer in North Carolina and as an investment adviser with the United States Securities and Exchange Commission.

(5) LPL terminated both affiliations with Respondent Mintz in February 2009.

(6) On or about February 6, 2009, LPL filed a "Form U5," the Uniform Termination Notice for Securities Industry Regulation, with the Central Record Depository (CRD) system used by the Financial Industry Regulatory Authority, Inc. (FINRA), and the Petitioner. LPL gave notice in this Form U5 of the termination of Respondent Mintz's affiliations with LPL.

Henry Sanchez, Jr., an authorized person on behalf of LPL, stated in the Form U5: "FIRM REVIEWED EVIDENCE THAT ADVISOR TRANSFERRED SECURITES AND CASH FROM CUSTOMER INTO HIS PERSONAL ACCOUNT WITHOUT AUTHORIZATION." A true and accurate copy of the CRD filing is attached to this Petition and incorporated by reference.

(7) On or about April 17, 2009, LPL filed an amended Form U5 with the CRD and Petitioner. David Freniere, an authorized person on behalf of LPL, stated in the amended Form U5 that a customer complaint was received on March 19, 2009, alleging compensatory damages of $1,187,254.90 with regard to the conversion of securities and cash by Respondent Mintz. A true and accurate copy of the CRD filing is attached to this Petition and incorporated by reference.

(8) On September 9, 2009, Respondent Mintz appeared in the United States District Court for the Eastern District of North Carolina and entered a guilty plea on a criminal bill of information described by the United States Attorney as "fraud by an investment adviser." Respondent Mintz has admitted in federal court that between December 2005 and October 2008 he embezzled in excess of One Million Dollars from two elderly clients for whom he managed brokerage accounts.

(9) Respondent Mintz, without admission or denial, does not contest the Administrator finding that action by the Administrator to revoke any registration or right to registration under Chapter 78A, N.C.G.S., or Chapter 78C, N.C.G.S., is in the public interest and is necessary for the protection of the public from further violations of those laws.

(10) This Final Order contains the entire agreement between the undersigned, there being no agreement of any kind, verbal or otherwise, which varies, alters, or adds to this Final

Order. Respondent agrees that the presentation of this Final Order to the Administrator without the undersigned Respondent or any counsel for Respondent being present shall not constitute an improper *ex parte* communication between the Administrator and Petitioner or counsel for Petitioner. This Final Order shall be effective only after approval, issuance and entry by the Administrator.

(11) Respondent, by execution of this Final Order, affirmatively states that he has freely agreed to the signing of this Final Order, and that no threats, promises or offers of any kind, other than as stated in this document, have been made by the Securities Administrator, Deputy Securities Administrator, any member of the staff of the Securities Division, or any agent or employee of the Department of the Secretary of State in connection with the signing of this Final Order.

(12) Respondent Mintz has violated G.S. §78A-39 (a) (2) (b) and (g) by engaging in dishonest and unethical conduct in contravention of 18 NCAC 06A .1414 (d).

(13) Respondent Mintz has violated G.S. §78C-19 (a) (2) (b) and (g) by engaging in dishonest and unethical conduct in the securities business while registered as an investment adviser representative in contravention of 18 NCAC 06A .1414 (d).

(14) It is in the public interest of the citizens of North Carolina and for the protection of investors that the securities salesman registration, and any right to a new registration, transfer of registration or renewal of any registration of Respondent Mintz be revoked, and pending the completion of the proceedings necessary for each such revocation, that such registration be summarily suspended.

(15) It is in the public interest of the citizens of North Carolina and for the protection of investors that the investment adviser representative registration, and any right to a new

registration, transfer of registration or renewal of any registration of Respondent Mintz be revoked, and pending the completion of the proceedings necessary for each such revocation, that such registration be summarily suspended.

BASED UPON THE FOREGOING Findings of Fact, with the Respondent neither admitting nor denying, but not contesting the making of the following Conclusions of Law, the Administrator makes the following:

CONCLUSIONS OF LAW

(1) Respondent Mintz has violated G.S. §78A-39(a)(2) (b) and (g) by engaging in dishonest and unethical conduct in violation of 18 NCAC 06A .1414(d).

(2) Respondent Mintz has violated G.S. §78C-19(a)(2) (b) and (g) by engaging in dishonest and unethical conduct in violation of 18 NCAC 06A .1801(a)(final paragraph).

(3) The Administrator has jurisdiction of the subject matter regarding the conduct of Respondent and the person of Respondent.

(4) Action by the Administrator to revoke registrations or right to registrations held by Respondent under either or both Chapter 78A, N.C.G.S., or Chapter 78C, N.C.G.S., is in the public interest and necessary for the protection of the public.

ORDER

NOW, THEREFORE, the Administrator, acting through her duly appointed Deputy Securities Administrator, pursuant to and under all authority granted by the North Carolina Securities Act, and with the consent of Respondent, does hereby enter into this **FINAL ORDER**.

NOW, THEREFORE, with the consent of Respondent, it is **HEREBY ORDERED** that any registration of Respondent Mintz as a securities salesman or an investment adviser

representative in North Carolina, or the right to renew or transfer same, shall be, and hereby is, REVOKED.

This **FINAL ORDER** shall become final upon entry.

WITNESS MY HAND AND THE OFFICIAL SEAL of the North Carolina Department of Secretary of State, this the 19th day of September, 2011.

ELAINE F. MARSHALL
SECRETARY OF THE STATE OF
NORTH CAROLINA and
SECURITIES ADMINISTRATOR

By:
DAVID S. MASSEY
DEPUTY SECURITIES ADMINISTRATOR

CONSENT TO ENTRY OF FINAL ORDER BY CHRISTOPHER B. MINTZ

Christopher B. Mintz hereby acknowledges that he has read, understands and consents to the entry of the foregoing **FINAL ORDER.** By agreeing to this **FINAL ORDER**, Respondent Mintz neither admits nor denies but does not contest the jurisdiction of the North Carolina Secretary of State, waives all objections to the Findings of Fact and Conclusions of Law contained in this Order; and consents to entry of this Order by the North Carolina Secretary of State as settlement of the matters described in this Order.

Dated this the 8th day of September, 2011.

By: Christopher B. Mintz
Christopher B. Mintz

STATE OF _____
COUNTY OF _____

SUBSCRIBED AND SWORN TO before me
this ____ day of _____, 2011.

_____
Notary Public

My Commission expires: _____

[STAMP/SEAL]