

**STATE OF ILLINOIS
SECRETARY OF STATE
SECURITIES DEPARTMENT**

**IN THE MATTER OF: ORBITEX FUNDS
DISTRIBUTOR, INC.**

File Number: 0300760

AMENDED NOTICE OF HEARING

TO THE RESPONDENT: Orbitex Funds Distributor, Inc.
(CRD #: 41453)
Metro Center
1 Station Place
Stamford, Ct 06902

You are hereby notified that, pursuant to Section 11.F of the Illinois Securities Law of 1953 (815 ILCS 5 et. seq.) (the "Act") and 14 Ill. Adm. Code 130, Subpart K (the "Rules"), a public hearing is scheduled to be held at 69 West Washington Street, Suite 1220, Chicago, Illinois 60602, on the 28th day of January 2004, at 10:00 a.m., or as soon thereafter as counsel may be heard, before Soula J. Spyropoulos, Esq., or another duly designated Hearing Officer of the Secretary of State.

Said hearing will be held to determine whether an Order of Suspension or Revocation shall be entered against Orbitex Funds Distributor, Inc.'s ("Respondent") registration as a dealer in the State of Illinois and/or granting such other relief as may be authorized under the Act including but not limited to the imposition of a monetary fine in the maximum amount pursuant to Section 11.F of the Act, payable within ten (10) business days of the entry of the Order.

The grounds for such proposed action are as follows:

1. That at all relevant times Respondent was registered with the Secretary of State as a dealer in the State of Illinois pursuant to Section 8 of the Act.
2. That during the third week of May, pursuant to the Illinois Securities Law of 1953 (815 ILCS 5/8.J) ("Act"), the Department mailed to Respondent 2003 Annual Report of Branch Offices in Illinois ("Form") in blank, with instructions that Respondent was to return the Form, filled out, along with

any applicable branch office fee, "on or before June 30, 2003." The Form was sent to Respondent's address of record in the Central Registration Depository (CRD).

3. That on July 9, 2003, the Department sent a letter ("Letter") to Respondent notifying Respondent of its failure to return the Form by the required date and that it was required to return the Form within ten (10) business days from the date of the Letter, "as well as a \$50 late filing fee as authorized under Section 8.J of the Act," ("Late Fee").
4. That on July 28, 2003, Respondent returned the Form, along with any applicable branch office fees ("Filing"), however the Late Fee was not submitted in the Filing.
5. That after the Filing the Department sent a letter (Letter #2) to Respondent, acknowledging receipt of the Form on August 1, 2003 and again notifying Respondent that the failure to file required documents in a timely manner requires payment of a late filing fee of \$50 pursuant to Section 8.J of the Act and Section 130.110(a) of the administrative rules.
6. That a representative of the Department followed up Letter #2 and called Respondent on July 25 and again on August 27, 2003 and requested, or left messages requesting, the Late Fee.
7. That to date, Respondent has failed and refused to pay the Late Fee to the Department.
8. That Section 12.D provides that it shall be a violation of the provisions of the Act for any person to fail to file with the Secretary of State any application, report or document required to be filed under the provisions of the Act or any rule or regulation made by the Secretary of State pursuant to the Act.
9. That by virtue of its failure to return the Form and pay the Late Fee as required and authorized by Section 8.J of Act Respondent has violated the Act.
10. That Section 8.E(1)(g) of the Act provides, *inter alia*, that the registration of a dealer may be suspended or revoked if the Secretary of State finds that such dealer has violated any of the provisions of the Act.
11. That by virtue of the foregoing, Respondent's registration as a dealer in the State of Illinois is subject to suspension or revocation pursuant to Section 8.E(1)(g) of the Act.

You are further notified that you are required pursuant to Section 130.1104 of the Rules and Regulations (14 Ill. Adm. Code 130) (the "Rules"), to file an answer to the allegations outlined above within thirty (30) days of the receipt of this Notice. A failure to file an answer within the prescribed time shall be construed as an admission of the allegations contained in the Notice of Hearing.

Furthermore, you may be represented by legal counsel; may present evidence; may cross-examine witnesses and otherwise participate. A failure to so appear shall constitute default, unless any Respondent has upon due notice moved for and obtained a continuance.

A copy of the Rules, promulgated under the Act and pertaining to Hearings held by the Office of the Secretary of State, Securities Department, is include with this Notice.

Delivery of Notice to the designated representative of any Respondent constitutes service upon such Respondent.

DATED: This 12th day of December, 2003.

Handwritten signature of Jesse White in black ink, with a date '12/14' written to the right of the signature.

JESSE WHITE
Secretary of State
State of Illinois

Attorney for the Secretary of State:

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Hearing Officer:

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