

STATE OF OKLAHOMA  
DEPARTMENT OF SECURITIES  
FIRST NATIONAL CENTER, SUITE 860  
120 NORTH ROBINSON  
OKLAHOMA CITY, OKLAHOMA 73102



In the Matter of:

Marcos E. Martinez,

Respondent.

File No. ODS 03-063

**ORDER REVOKING REGISTRATION**

On December 27, 2002, the Administrator (Administrator) of the Oklahoma Department of Securities (Department) was served with an Enforcement Division Recommendation (Recommendation) to revoke the registration of Marcos E. Martinez (Martinez), pursuant to Section 204 of the Oklahoma Securities Act (Act), Okla. Stat. tit. 71, §§ 1-413, 501, 701-703 (2001 & Supp. 2002).

On December 27, 2002, the Administrator issued a Notice of Opportunity for Hearing with the Recommendation attached (Notice). The Notice advised Martinez of his right to request a hearing to show why an order based on the Recommendation should not be issued pursuant to subsection (b) of Section 406 of the Act. The Notice was mailed to the last known address of Martinez at 30-73 44<sup>th</sup> Street, Astoria, New York 11103, by certified mail, return receipt requested, and delivery restricted. On January 3, 2003, the Notice was returned marked "Return To Sender, Not Deliverable As Addressed – Unable to Forward."

The Administrator of the Department, being fully advised in this matter, does hereby adopt the Findings of Fact and Conclusions of Law as set forth below.

**Findings of Fact**

1. Martinez was registered under the Act as an agent of a broker-dealer, Platinum Investment Corporation of Fort Lauderdale, Florida, on February 25, 2002.

2. According to the records of the CRD, on July 31, 2002, Martinez was named in an action filed by the United States Securities and Exchange Commission (SEC) in the United States District Court for the Southern District of New York, Case No. CIV-02-6093 (JSR), alleging Martinez fraudulently obtained over \$1.5 million from at least 56 investors. On August 9, 2002, the United States District Court for the Southern District of New York entered an order preliminarily enjoining Martinez from

violating the antifraud provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934.

3. On September 6, 2002, the National Association of Securities Dealers, Inc. (NASD) notified Platinum Investment Corporation that Martinez was subject to statutory disqualification as a result of the preliminary injunction obtained by the SEC.

4. On October 15, 2002, according to the records of the CRD, the NASD revoked Martinez's registration as a general securities representative and general securities principal.

5. On December 27, 2002, the Notice was left in the office of the Administrator pursuant to Section 413 of the Act. The Administrator promptly sent notice of the service and a copy of the Notice to Martinez at his last known address, by certified mail, return receipt requested and delivery restricted.

6. Based upon the foregoing, it is in the public interest to revoke Martinez's registration under the Act.

To the extent any of these Findings of Fact are more properly characterized as Conclusions of Law, they should be so considered.

Authority

Section 204 of the Act provides in part:

(a) The Administrator may issue a final order denying effectiveness to, or suspending or revoking the effectiveness of, any registration or impose any sanction authorized by Section 406 of this title if the Administrator finds that the order is in the public interest and that the applicant or registrant or, in the case of a broker-dealer or investment adviser, any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer or investment adviser:

\* \* \*

(4) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities business;

\* \* \*

(6) is the subject of an order or other adjudication or determination entered within the past five (5) years by the securities administrator of any other state or by the United States Securities and Exchange Commission or by any other governmental securities agency denying, suspending or revoking registration as a broker-dealer, agent, investment adviser or investment adviser representative or the substantial equivalent of those terms as defined in the Oklahoma Securities Act, or is the subject of an order or other adjudication or determination entered within the past five (5) years by the securities administrator of any other state or by the United States Securities and Exchange Commission or by any other governmental securities agency barring the person from association with any other broker-dealer or investment adviser, or is the subject of an order suspending or expelling the person from a national or international securities exchange or national or international securities association, or is the subject of an order or other adjudication or determination of or by the National Association of Securities Dealers, Inc., or any other self-regulatory organization, suspending, canceling, revoking, or barring the person from membership in said organization or barring the person from association with any other member of said organization, or is the subject of a United States Post Office fraud order[.]

#### Conclusions of Law

1. Service of process was effected on Martinez pursuant to Section 413 of the Act.
2. The Administrator of the Department is authorized to revoke the agent registration of Martinez pursuant to Section 204 of the Act.
3. It is in the public interest to revoke the registration of Martinez under the Act.

To the extent any of these Conclusions of Law are more properly characterized as Findings of Fact, they should be so considered.

Order

**IT IS HEREBY ORDERED** that the agent registration of Martinez be revoked pursuant to Section 204 of the Act.

Witness my Hand and the Official Seal of the Oklahoma Department of Securities this 29th day of January, 2003.

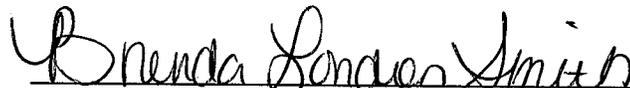
(SEAL)

  
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IRVING L. FAUGHT, ADMINISTRATOR OF THE  
OKLAHOMA DEPARTMENT OF SECURITIES

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 29th day of January, 2003, a true and correct copy of the above and foregoing Order Revoking Registration was mailed by certified mail, return receipt requested, delivery restricted, with postage prepaid thereon addressed to:

Marcos E. Martinez  
30-73 44<sup>th</sup> Street  
Astoria, NY 11103

  
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Brenda London Smith  
Paralegal