

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 3778 / February 12, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-15749

In the Matter of

Jerry A. Smith,

Respondent.

ORDER INSTITUTING
ADMINISTRATIVE PROCEEDINGS
PURSUANT TO SECTION 203(f) OF THE
INVESTMENT ADVISERS ACT OF 1940,
MAKING FINDINGS, AND IMPOSING
REMEDIAL SANCTIONS

I.

The Securities and Exchange Commission (“Commission”) deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted pursuant to Section 203(f) of the Investment Advisers Act of 1940 (“Advisers Act”) against Jerry A. Smith (“Smith” or “Respondent”).

II.

In anticipation of the institution of these proceedings, Respondent has submitted an Offer of Settlement (the “Offer”) which the Commission has determined to accept. Solely for the purpose of these proceedings and any other proceedings brought by or on behalf of the Commission, or to which the Commission is a party, Respondent consents to the Commission’s jurisdiction over him and the subject matter of these proceedings and to the entry of this Order Instituting Administrative Proceedings Pursuant to Section 203(f) of the Investment Advisers Act of 1940, Making Findings, and Imposing Remedial Sanctions (“Order”), as set forth below.

III.

On the basis of this Order and Respondent’s Offer, the Commission finds that:

1. From December 2004 to May 2008, Smith was an employee of OneAmerica Securities, Inc. At the time of his employment, OneAmerica Securities was an investment adviser registered with the Commission. Smith, age 51, is a resident of Indiana.

2. On June 12, 2012, Smith pleaded guilty to one count of Conspiracy to Commit Wire and Mail Fraud in violation of 18 U.S.C. § 1349, one count of Obstruction of Justice in violation of 18 U.S.C. § 1519, and one count of Tax Evasion in violation of 26 U.S.C. § 7201 before the United States District Court for the Southern District of Ohio, in United States v. Jerry A. Smith, No. 1:12-cr-00058 (HJW). On March 20, 2013, Smith was sentenced in that proceeding to a prison term of 65 months followed by three years of supervised release and ordered to make restitution in the amount of \$5,406,950.65.

3. The conspiracy count of the criminal information to which Smith pleaded guilty alleged, among other things, that from 2003 to 2011, Smith did unlawfully, knowingly, and willfully conspire with another defendant to commit, among other crimes, mail fraud, 18 U.S.C. § 1341, and wire fraud, 18 U.S.C. § 1343, in connection with a scheme and artifice to defraud investors, and to obtain money from investors by means of false and fraudulent pretenses, representations, and promises, using the U.S. mails and interstate wire communications to execute and attempt to execute the scheme to defraud.

IV.

In view of the foregoing, the Commission deems it appropriate and in the public interest to impose the sanctions agreed to in Respondent Smith's Offer.

Accordingly, it is hereby ORDERED pursuant to Section 203(f) of the Advisers Act that Respondent Smith be, and hereby is:

barred from association with any investment adviser, broker, dealer, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization.

Any reapplication for association by the Respondent will be subject to the applicable laws and regulations governing the reentry process, and reentry may be conditioned upon a number of factors, including, but not limited to, the satisfaction of any or all of the following: (a) any disgorgement ordered against the Respondent, whether or not the Commission has fully or partially

waived payment of such disgorgement; (b) any arbitration award related to the conduct that served as the basis for the Commission order; (c) any self-regulatory organization arbitration award to a customer, whether or not related to the conduct that served as the basis for the Commission order; and (d) any restitution order by a self-regulatory organization, whether or not related to the conduct that served as the basis for the Commission order.

By the Commission.

Elizabeth M. Murphy
Secretary