

UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549

SECURITIES EXCHANGE ACT OF 1934  
Release No. 63047/October 6, 2010

ADMINISTRATIVE PROCEEDING  
File No. 3-14002

---

In the Matter of	:	
	:	ORDER MAKING FINDINGS AND
ROBERT COMISKEY	:	IMPOSING SANCTION BY DEFAULT

---

**SUMMARY**

This Order bars Robert Comiskey (Comiskey) from association with any broker or dealer. Comiskey was previously enjoined from violating the antifraud and registration provisions of the securities laws, based on his involvement in telemarketing unregistered securities.

**I. BACKGROUND**

The Securities and Exchange Commission (Commission) issued its Order Instituting Proceedings (OIP) against Comiskey on August 11, 2010, pursuant to Section 15(b) of the Securities Exchange Act of 1934 (Exchange Act). The OIP alleges that he was enjoined in 2010 from violating the antifraud and registration provisions of the federal securities laws. Comiskey was served with the OIP on September 4, 2010, by personal service. He failed to file an Answer, due twenty days after service of the OIP. See 17 C.F.R. § 201.220(b); OIP at 2. A respondent who fails to file an Answer to the OIP may be deemed to be in default, and the administrative law judge may determine the proceeding against him. See 17 C.F.R. §§ 201.155(a), .220(f); OIP at 2. Thus, Comiskey is in default, and the undersigned finds the following allegations in the OIP are true.

**II. FINDINGS OF FACT**

Comiskey, of Palm Beach Gardens, Florida, is permanently enjoined from violating the antifraud and registration provisions of the federal securities laws – Sections 5 and 17(a) of the Securities Act of 1933 (Securities Act) and Sections 10(b) and 15(a) of the Exchange Act and Rule 10b-5 thereunder. SEC v. Winning Kids, Inc., No. 9:10-cv-80186 (S.D. Fla. June 30, 2010). He was also ordered to disgorge \$86,975.53 and prejudgment interest of \$6,657.53 and to pay a civil penalty in an amount to be determined later. The wrongdoing that underlies Comiskey’s injunction occurred from April 2007 through September 2008 while he was a telemarketing sales representative for Winning Kids, Inc., a company that has never been

registered with the Commission in any capacity and has not registered any offering of securities under the Securities Act or a class of securities under the Exchange Act. During that period, Comiskey was not registered as a broker or dealer nor associated with a registered broker or dealer.

### III. CONCLUSIONS OF LAW

Comiskey is permanently enjoined “from engaging in or continuing any conduct or practice in connection . . . with the purchase or sale of any security” within the meaning of Sections 15(b)(4)(C), 15(b)(6)(A)(iii), and 15B(c)(4) of the Exchange Act.

### IV. SANCTION

Comiskey will be barred from association with any broker or dealer.<sup>1</sup> This sanction will serve the public interest and the protection of investors, pursuant to Sections 15(b) and 15B(c)(4) of the Exchange Act. It accords with Commission precedent and the sanction considerations set forth in Steadman v. SEC, 603 F.2d 1126, 1140 (5th Cir. 1979), aff’d on other grounds, 450 U.S. 91 (1981). Comiskey’s unlawful conduct was recent, egregious, and recurring during a period of eighteen months, and he reaped ill-gotten gains exceeding \$86,000. There are no mitigating circumstances.

### V. ORDER

IT IS ORDERED that, pursuant to Section 15(b) of the Securities Exchange Act of 1934, ROBERT COMISKEY IS BARRED from association with any broker or dealer.

---

Carol Fox Foelak  
Administrative Law Judge

---

<sup>1</sup> The Commission has authority under Exchange Act Section 15(b) to sanction persons, such as Comiskey, who acted as unregistered brokers. See Vladislav Steven Zubkis, 86 SEC Docket 2618 (Dec. 2, 2005), recon. denied, 87 SEC Docket 2584 (Apr. 13, 2006) (unregistered associated person of an unregistered broker-dealer barred from association with a broker or dealer).