

**UNITED STATES OF AMERICA**  
**Before the**  
**SECURITIES AND EXCHANGE COMMISSION**  
**February 8, 2006**

**ADMINISTRATIVE PROCEEDING**  
**File No. 3-12178**

**In the Matter of**

**Thomas J. Robbins,**

**Respondent.**

**ORDER INSTITUTING ADMINISTRATIVE  
PROCEEDINGS PURSUANT TO SECTION  
203(f) OF THE INVESTMENT ADVISERS  
ACT OF 1940 AND NOTICE OF HEARING**

**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 Thomas J. Robbins (“Respondent” or “Robbins”).

**II.**

After an investigation, the Division of Enforcement alleges that:

A. RESPONDENT

1. Robbins, age 50, is a resident of Fillmore, Utah. Robbins was the president, CEO, and a director of TEK Corporation. From in or about January 2002 through in or about August 2002, Robbins acted as an unregistered investment adviser.

B. ENTRY OF THE INJUNCTION

2. On February 9, 2005, the Commission filed a complaint initiating a civil action captioned Securities and Exchange Commission v. TEK Corp., et al., Civil Action Number 2:05-CV-00107, in the United States District Court for the District of Utah. The Commission’s complaint alleged that, from at least January 2002 until February 2003, Robbins, acting as an unregistered investment adviser, caused over 100 investors to invest \$4,545,723.44 in two bogus

investment schemes. The complaint alleges that, among other things, Robbins solicited money from investors to provide Robbins with funds to day trade stocks in a brokerage account he managed. It is further alleged that Robbins misrepresented to clients and potential clients that he was using their money to successfully buy and sell stock for substantial profits when, in fact, he was consistently sustaining losses from his day-trading activity and misappropriating clients' funds for his own use. Finally it is alleged that Robbins misrepresented to his clients that returns paid them were derived from trading profits when the returns were actually paid from newly invested funds.

3. On June 21, 2005, a final judgment was entered against Robbins, permanently enjoining him from future violations of Sections 5(a), 5(c), and 17(a) of the Securities Act of 1933, Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder, and Sections 206(1) and 206(2) of the Advisers Act. Robbins subsequently moved to vacate the judgment; his motion was denied on January 19, 2006.

### **III.**

In view of the allegations made by the Division of Enforcement, the Commission deems it necessary and appropriate in the public interest that public administrative proceedings be instituted to determine:

A. Whether the allegations set forth in Section II are true and, in connection therewith, to afford Respondent an opportunity to establish any defenses to such allegations;

B. What, if any, remedial action is appropriate in the public interest against Respondent pursuant to Section 203(f) of the Advisers Act.

### **IV.**

IT IS ORDERED that a public hearing for the purpose of taking evidence on the questions set forth in Section III hereof shall be convened at a time and place to be fixed, and before an Administrative Law Judge to be designated by further order as provided by Rule 110 of the Commission's Rules of Practice, 17 C.F.R. § 201.110.

IT IS FURTHER ORDERED that Respondent shall file an Answer to the allegations contained in this Order within twenty (20) days after service of this Order, as provided by Rule 220 of the Commission's Rules of Practice, 17 C.F.R. § 201.220.

If Respondent fails to file the directed answer, or fails to appear at a hearing after being duly notified, the Respondent may be deemed in default and the proceedings may be determined against him upon consideration of this Order, the allegations of which may be deemed to be true as provided by Rules 155(a), 220(f), 221(f) and 310 of the Commission's Rules of Practice, 17 C.F.R. §§ 201.155(a), 201.220(f), 201.221(f) and 201.310.

This Order shall be served forthwith upon Respondent personally or by certified mail.

IT IS FURTHER ORDERED that the Administrative Law Judge shall issue an initial decision no later than 210 days from the date of service of this Order, pursuant to Rule 360(a)(2) of the Commission's Rules of Practice.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision of this matter, except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of Section 551 of the Administrative Procedure Act, it is not deemed subject to the provisions of Section 553 delaying the effective date of any final Commission action.

For the Commission, by its Secretary, pursuant to delegated authority.

Nancy M. Morris  
Secretary