

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 20070079701**

RECEIVED
2007 OCT 24 P 2:27
REGISTRATION & DISCLOSURE

TO: Department of Enforcement
Financial Industry Regulatory Authority ("FINRA")

RE: Scott M. Hacker, Respondent
General Securities Principal
CRD No. 1997386

Pursuant to NASD Rule 9216 of FINRA's Code of Procedure, I submit this Letter of Acceptance, Waiver and Consent ("AWC") for the purpose of proposing a settlement of the alleged rule violations described below. This AWC is submitted on the condition that, if accepted, FINRA will not bring any future actions against me alleging violations based on the same factual findings described herein.

I.

ACCEPTANCE AND CONSENT

- A. I hereby accept and consent, without admitting or denying the findings, and solely for the purposes of this proceeding and any other proceeding brought by or on behalf of FINRA, or to which FINRA is a party, prior to a hearing and without an adjudication of any issue of law or fact, to the entry of the following findings by FINRA:

BACKGROUND

In 1990, Hacker first registered with FINRA (f/k/a National Association of Securities Dealers or NASD) as a General Securities Representative. From February 25, 2004 to November 10, 2004, Hacker was registered through member firm Strategic Point Securities, LLC ("Strategic Point") as a General Securities Principal, Municipal Principal, Financial and Operations Principal, General Securities Sales Supervisor and General Securities Representative. Hacker is currently registered with another FINRA member firm. Hacker has no relevant disciplinary history.

OVERVIEW

In 2004, Hacker caused the parent company of his member firm to make donations to a charitable organization. Hacker, who was the Treasurer of the

000053296 2007

charitable organization, was not authorized to make those donations. Hacker also failed to provide on-the-record testimony as requested by FINRA staff. This conduct violated NASD Procedural Rule 8210 and NASD Conduct Rule 2110.

FACTS AND VIOLATIVE CONDUCT

While registered through Strategic Point, Hacker also served as the Director of Finance and Controller for the firm's parent company. From February through August 2004, Hacker approved and directed at least \$32,000 in charitable contributions from that company to a non-profit organization. Hacker, who was the Treasurer of the non-profit, did not have the authority to make those donations. By making unauthorized donations, Hacker violated NASD Conduct Rule 2110.

By letter dated April 9, 2007, FINRA staff requested, pursuant to NASD Procedural Rule 8210, that Hacker provide on-the-record testimony concerning the above-mentioned misconduct. Hacker, however, failed to provide the requested testimony. By failing to testify, Hacker violated NASD Procedural Rule 8210 and NASD Conduct Rule 2110.

B. I also consent to the imposition of the following sanctions:

A bar from association with any member firm in any capacity.

I understand that if I am barred or suspended from association with any FINRA member, I become subject to a statutory disqualification as that term is defined in Section 3(a)(39) of the Securities Exchange Act of 1934, as amended. Accordingly, I may not be associated with any FINRA member in any capacity, including clerical or ministerial functions, during the period of the bar or suspension. (See NASD Rule 8310 and IM-8310-1.)

The sanction imposed herein shall be effective on a date set by FINRA staff. Pursuant to NASD IM-8310-3(e), a bar or expulsion shall become effective upon approval or acceptance of this AWC.

II.

WAIVER OF PROCEDURAL RIGHTS

I specifically and voluntarily waive the following rights granted under FINRA's Code of Procedure:

A. To have a Formal Complaint issued specifying the allegations against me;

- B. To be notified of the Formal Complaint and have the opportunity to answer the allegations in writing;
- C. To defend against the allegations in a disciplinary hearing before a hearing panel, to have a written record of the hearing made and to have a written decision issued; and
- D. To appeal any such decision to the National Adjudicatory Council ("NAC") and then to the U.S. Securities and Exchange Commission and a U.S. Court of Appeals.

Further, I specifically and voluntarily waive any right to claim bias or prejudgment of the General Counsel, the NAC, or any member of the NAC, in connection with such person's or body's participation in discussions regarding the terms and conditions of this AWC, or other consideration of this AWC, including acceptance or rejection of this AWC.

I further specifically and voluntarily waive any right to claim that a person violated the ex parte prohibitions of NASD Rule 9143 or the separation of functions prohibitions of NASD Rule 9144, in connection with such person's or body's participation in discussions regarding the terms and conditions of this AWC, or other consideration of this AWC, including its acceptance or rejection.

III.

OTHER MATTERS

I understand that:

- A. Submission of this AWC is voluntary and will not resolve this matter unless and until it has been reviewed and accepted by the NAC, a Review Subcommittee of the NAC, or the Office of Disciplinary Affairs ("ODA"), pursuant to NASD Rule 9216;
- B. If this AWC is not accepted, its submission will not be used as evidence to prove any of the allegations against me; and
- C. If accepted:
 - 1. this AWC will become part of my permanent disciplinary record and may be considered in any future actions brought by FINRA or any other regulator against me;
 - 2. this AWC will be made available through FINRA's public disclosure

program in response to public inquiries about my disciplinary record;

3. FINRA may make a public announcement concerning this agreement and the subject matter thereof in accordance with NASD Rule 8310 and IM-8310-3; and
4. I may not take any action or make or permit to be made any public statement, including in regulatory filings or otherwise, denying, directly or indirectly, any finding in this AWC or create the impression that the AWC is without factual basis. I may not take any position in any proceeding brought by or on behalf of FINRA, or to which FINRA is a party, that is inconsistent with any part of this AWC. Nothing in this provision affects my right to take legal or factual positions in litigation or other legal proceedings in which FINRA is not a party.

I certify that I have read and understand all of the provisions of this AWC and have been given a full opportunity to ask questions about it; that I have agreed to its provisions voluntarily; and that no offer, threat, inducement, or promise of any kind, other than the terms set forth herein and the prospect of avoiding the issuance of a Complaint, has been made to induce me to submit it.

Date

10/5/07

Scott M. Hacker



Reviewed by:

Steven N. Fuller
Akerman Senterfitt
Las Olas Centre II, Suite 1600
350 Las Olas Blvd.
Fort Lauderdale, FL 33301-2229
(954) 712-6062 (Telephone)
(954) 463-2224 (Facsimile)

program in response to public inquiries about my disciplinary record;

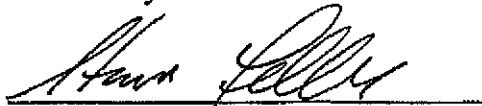
3. FINRA may make a public announcement concerning this agreement and the subject matter thereof in accordance with NASD Rule 8310 and IM-8310-3; and
4. I may not take any action or make or permit to be made any public statement, including in regulatory filings or otherwise, denying, directly or indirectly, any finding in this AWC or create the impression that the AWC is without factual basis. I may not take any position in any proceeding brought by or on behalf of FINRA, or to which FINRA is a party, that is inconsistent with any part of this AWC. Nothing in this provision affects my right to take legal or factual positions in litigation or other legal proceedings in which FINRA is not a party.

I certify that I have read and understand all of the provisions of this AWC and have been given a full opportunity to ask questions about it; that I have agreed to its provisions voluntarily; and that no offer, threat, inducement, or promise of any kind, other than the terms set forth herein and the prospect of avoiding the issuance of a Complaint, has been made to induce me to submit it.

Date

Scott M. Hacker

Reviewed by:



Steven N. Fuller
Akerman Senterfitt
Las Olas Centre II, Suite 1600
350 Las Olas Blvd.
Fort Lauderdale, FL 33301-2229
(954) 712-6062 (Telephone)
(954) 463-2224 (Facsimile)

Accepted by FINRA:

10/24/07
Date

Signed on behalf of the
Director of ODA, by delegated authority



Paul D. Taberner
Regional Counsel
FINRA Department of Enforcement
99 High Street, Suite 900
Boston, MA 02110
(617) 532-3425 (telephone)
(202) 721-8322 (facsimile)