



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Securities Division

April 14, 2008

Mr. Steven Eckert, Producer
Dateline NBC
30 Rockefeller Plaza, Rm. 510
New York, New York 10112

Dear Mr. Eckert:

I write to you in response to Dateline NBC's program "Tricks of the Trade" that aired on April 13, 2008. First, I commend your efforts in "Tricks of the Trade" to uncover the unethical practices of insurance agents targeting the elderly. The need to address misleading, unlawful and coercive selling to vulnerable investors, particularly the elderly, is a practice that the Massachusetts Securities Division continues to move aggressively to halt. To date, my office has returned over 2.5 million dollars to seniors across the Commonwealth as a result of unsuitable annuity sales. By illuminating some of the unscrupulous sales practices of certain insurance agents, your program will also help to prevent further harm.

Second, I would like to clarify a few issues that your program sought to point out about regulatory action taken by our office. In 2002, the Massachusetts Securities Division, under the Secretary of the Commonwealth, William Francis Galvin, filed an administrative complaint against Tyrone M. Clark, and two of his companies, Broker's Choice of America, Inc. ("BCA") and Senior Benefit Centers Network ("SBCN"). The Securities Division alleged in the original complaint that Clark and his associates represented themselves as financial planners and fraudulently touted their financial planning skills, investment expertise and knowledge by utilizing "Senior Financial Survival Workshops" as part of an unethical and dishonest scheme to deceive, coerce, and frighten the elderly into purchasing annuities with exorbitant commissions. Moreover, these entities used such specious titles as "Certified Elder Planning Specialists" ("CEPS") to mislead the elderly and disguise the fact that the associates were insurance salesmen.

The story points out that Clark settled with the Division. What the story didn't say, however, was that the Consent Order issued by the Division included a cease and desist order against BCA and SBCN from committing any future violations of the Massachusetts Securities Act and regulations. The Respondents were ordered to pay a sum of \$30,000 to cover the Securities Division's costs of investigation and most importantly, were barred by the terms of this Order "from effecting any transactions in securities and doing business as investment advisors or investment advisor representatives in the Commonwealth of Massachusetts; whether through advisory seminars offered to Massachusetts residents or through Respondents' associated persons advising others to invest in, purchase, or sell securities." Furthermore, Clark was ordered to no longer grant the designation "Certified Elder Planning Specialist" to any Massachusetts resident.

Based on the abuses uncovered in the Senior Benefits investigation as well as other enforcement actions taken by the Division, the Massachusetts Securities Division was the first regulator in the nation to promulgate a regulation that seeks to prohibit the use of designations that are not earned as a result of a meaningful educational or training process encompassing sufficient course work, examinations and experience. Only those professional designations that would be exempt from the prohibitions would have, at a minimum, accreditation by a nationally recognized independent accrediting organization.

Again, the Dateline NBC special investigation will support our common goal of protecting senior investors and we commend you on your actions.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan J. Lantagne", with a horizontal line drawn through it.

Bryan J. Lantagne, Esq.
Director
Massachusetts Securities Division