

BEFORE THE
DIVISION OF SECURITIES
DEPARTMENT OF FINANCIAL INSTITUTIONS
STATE OF WISCONSIN

In the Matter of
HOWARD M. BIRNBAUM

PETITION FOR ORDER

Respondent.

File No.S-04209-LX

The staffs of the Licensing & Compliance Section and the Enforcement Unit, Registration & Enforcement Section, of the Division of Securities, Department of Financial Institutions, State of Wisconsin have conducted an investigation in this matter pursuant to sec. 551.56, Wis. Stats., and as a result thereof allege as follows:

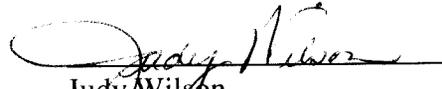
1. Howard M. Birnbaum ("Birnbaum") is a securities agent (CRD #2549349) with a last known business address at 445 Broadhollow Road, Suite 420, Melville, NY 11747 and last known residential address at 7 Knowles Street, Plainview, NY 11803;
2. Granite Associates, Inc. ("Granite") is a securities broker-dealer (CRD #46682) licensed in Wisconsin since May 16, 2000 with a last known business address at 407 SE 9th Street, Suite 200, Fort Lauderdale, FL 33316;
3. On April 16, 2004, Birnbaum applied through the CRD to become licensed as a securities agent in Wisconsin for Granite;
4. By letter dated April 19, 2004, the staff sent a letter to Granite with a copy to Birnbaum requesting additional information regarding Birnbaum's disclosure history. The response date was May 10, 2004;
5. On July 1, 2004, the staff sent another letter to Granite with a copy to Birnbaum requesting a response to our April 19, 2004 letter. The response deadline was July 22, 2004;
6. On August 10, 2004, the staff sent a letter by certified mail to Granite and to Birnbaum advising the firm to withdraw Birnbaum's application by August 30, 2004 for failure to respond to the staff's requests for information;
7. To date the staff has not received any information from Granite or Birnbaum nor has Birnbaum's application been withdrawn;
8. Birnbaum's failure to complete his application, as described above, provides a basis, pursuant to sec. 551.34(1)(a), Wis. Stats., for the denial of his application.

THEREFORE, the staffs of the Licensing & Compliance Section and the Enforcement Unit petition the Administrator for the issuance of the attached Order.

DATED this 7th day of September, 2004



David A. Cohen
Supervising Attorney
Enforcement Unit



Judy Wilson
Examiner
Licensing & Compliance Section