

STATE OF ILLINOIS
SECRETARY OF STATE
SECURITIES DEPARTMENT

IN THE MATTER OF: RICK LYNN BURNETT)
_____))

FILE NO. 0200195

ORDER

TO THE RESPONDENT: Rick Lynn Burnett (CRD# 2131056)
4135 South Lake Ct.
Decatur, Illinois 62521

WHEREAS, the record of the above-captioned matter has been reviewed by the Secretary of State or his duly authorized representative;

WHEREAS, the rulings of the Hearing Officer on the admission of evidence and all motions are deemed to be proper and are hereby concurred with by the Secretary of State;

WHEREAS, the proposed Findings of Facts, Conclusions of Law and Recommendation of the Hearing Officer, Thomas Londrigan, Jr., in the above-captioned matter have been read and examined; and

WHEREAS, the proposed Findings of Fact are correct and are adopted by the Secretary of State as follows:

1. The Respondent did not appear at the hearing or present any evidence. The evidence, exhibits and testimony have been offered and received from all parties and a proper record of all proceedings has been made and preserved as required.
2. The Hearing Officer has ruled on all motions and objections timely made and submitted.
3. The Hearing Officer and the Secretary of State, Illinois Securities Department have jurisdiction over the parties herein and the subject matter dealt with herein, due and proper notice having been previously given as required by statute in this case.
4. That from March 15, 2001 to December 14, 2001, the Respondent, Rick Lynn Burnett, was a registered salesperson in the State of Illinois pursuant to Section 8 of the Illinois Securities Law 815 ILCS 5/1 et seq. (the "Act").

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5. That the Respondent prepared fraudulent documents and forged the signature of Larry Phillips to affect the withdrawal of funds from annuity policy number 8500003764 as follows: \$75,000 on or about July 5, 2001, \$50,000 on or about July 19, 2001, and \$50,000 on or about July 31, 2001.
6. That Section 8.E.1(b) of the Act states, inter alia, that subject to the provisions of subsection F of Section 11 of the Act, the registration of a salesperson may be suspended or revoked if the Secretary of State finds that the salesperson has engaged in any unethical practice in the offer or sale of securities or in any fraudulent business practice;
7. That Section 8.E.1(c) of the Act states, inter alia, that subject to the provisions of subsection F of Section 11 of the Act, the registration of a salesperson may be suspended or revoked if the Secretary of State finds that the salesperson has failed to account for any money or property.
8. That Section 8.E(3) of the Act provides, inter alia, that if no proceeding is pending or instituted and withdrawal becomes effective, the Secretary of State may nevertheless institute a revocation or suspension proceeding within two years after withdrawal became effective and enter a revocation or suspension order as of the last date on which registration was effective.
9. That on or about July 5, 2001, July 19, 2001, and July 31, 2001, the Respondent, Rick Lynn Burnett, engaged in an unethical practice in the offer or sale of securities, engaged in a fraudulent business practice, and failed to account for the money used in said transactions as defined in the Act.
10. That by virtue of the foregoing, the Respondent has violated Sections 8.E.(1)(b) and 8.E.1(c) of the Act.
11. The entry of an Order of Revocation of the Respondent's Salesperson Registration is proper in this case, given the conduct of the Respondent as described in Secretary of State Exhibit No. 1 as well as the fact that the Respondent failed to appear at the hearing and properly answer the charges.

WHEREAS, the proposed Conclusions of Law are correct and are adopted by the Secretary of State as follows:

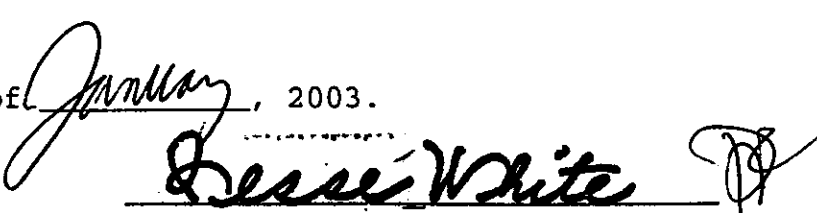
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1. After proper notification, the Complainant may proceed with a hearing in the Respondent's absence. (735 ILCS 5/1-105 and 5/2-1301; Ryan v. Bening, 1978, 22 Ill. Dec. 873, 66 Ill. App.3d 127, 383 N.E.2d 681; Koenig v. Nardullo, 1968, 99 Ill. App. 480, 241 N.E.2d 567; In Re the Marriage of Garde, 1983, 73 Ill. Dec. 816, 118 Ill. App. 3d 303, 454 N.E. 2d 1065.) Significantly, the Notice of Hearing outlines that a default judgment may be entered against a Respondent who fails to appear or answer the charges.
2. That Respondent, Rick Lynn Burnett, engaged in an unethical practice in the offer or sale of securities, engaged in a fraudulent business practice, and failed to account for the money used in said transactions as defined by 815 ILCS 5/8.E.1(b) and 5/8.E.1(c).
3. That by virtue of the foregoing, Respondent is subject to an Order of Revocation of his Salesperson Registration in the State of Illinois and/or granting such other relief as may be authorized under the Act.
4. Because of the findings herein, as well as Secretary of State's Exhibits 1 and 2; the entry of a written Order of Revocation pursuant to 815 ILCS 5/8.E.1(b), 815 ILCS 5/8.E.1(c) and 815 ILCS 5/8.E.3 which revokes the Salesperson registration of the Respondent, Rick Lynn Burnett, in the State of Illinois, is proper in this case.

NOW THEREFORE IT IS HEREBY ORDERED: That pursuant to the foregoing Findings of Fact, Conclusions of Law, and Recommendation of the Hearing Officer, the Salesperson registration of Rick Lynn Burnett in the State of Illinois is hereby REVOKED.

Dated this 22nd day of January, 2003.



JESSE WHITE
Secretary of State
State of Illinois

NOTICE: Failure to comply with the terms of this Order shall be a violation of Section 12.D of the Illinois Securities Law of 1953, as amended, 815 ILCS 5/1 et seq. (the "Act"). Any person or entity who fails to comply with the terms of this Order of the Secretary of State, having knowledge of the existence of this Order, shall be guilty of a Class 4 felony.

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This is a final order subject to administrative review pursuant to the Administrative Review Law, 735 ILCS 5/3-101 et seq. and the Rules and Regulations of the Act (14 Ill. Admin. Code, Ch. I, Sec. 130.1123). Any action for judicial review must be commenced within thirty-five (35) days from the date a copy of this Order is served upon the party seeking review.

Attorney for the Secretary of State
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