

**STATE OF ILLINOIS
SECRETARY OF STATE
DEPARTMENT OF SECURITIES**

IN THE MATTER OF: **BRENDAN P. BYRNE**)
d/b/a Barkley Trading LLC)
his partners, officers and directors,) **No. 0700345**
agents, employees, affiliates, successors)
and assigns.)

TEMPORARY ORDER OF PROHIBITION

TO THE RESPONDENT : **BRENDAN P. BYRNE**
CRD: 2790303
13 Overbrook Street
Riverhead, New York 11901

On information and belief, I, Jesse White, Secretary of State for the State of Illinois, through my designated representative, who has been fully advised in the premises by the staff of the Securities Department, Office of the Secretary of State, herein finds:

FRAUD

1. Brendan P. Byrne (hereinafter at times "Byrne" or "Respondent") is an individual whose last known address is 13 Overbrook Street, Riverhead, NY 11901.
2. Respondent Brendan P. Byrne, at all relevant times herein, was doing business as Barkley Trading, LLC.
3. Between January 2004 and July 2007 ("Time Frame") Byrne was the principal signator and controlled a securities trading account in the name of Barkley Trading, LLC ("Barkley").
4. During the Time Frame Byrne entered into an agreement with an Illinois resident ("Trader") whereby the Trader placed approximately \$5,000 into the Barkley trading account, and then the Trader bought and sold stock out of that Barkley account.
5. Trader paid a fee to Respondent Byrne for the right to trade out of the Barkley account.

6. By June 2007 the Trader's account funds in the Barkley account had been reduced to approximately \$1,000.
7. In June 2007 or July 2007 Respondent Byrne, without Trader's consent, removed the Trader's remaining funds of \$990.00 and converted the funds to Respondent's own personal purposes.
8. The activities described above in paragraphs 3-7 constitute "activities in connection with the sale or purchase of stock" as those terms are defined in Sections 2.1, and 2.5 of the Illinois Securities Law of 1953 [815 ILCS 5] (the "Act").
9. Section 12.F of the Act provides, *inter alia*, that it shall be a violation of the Act for any person to engage in any transaction, practice or course of business in connection with the sale or purchase of securities which works or tends to work a fraud or deceit upon the purchaser or seller thereof.
10. By virtue of the acts set forth above Respondent has violated Section 12.F of the Act.
11. The aforementioned findings are based upon credible evidence.
12. Section 11.F of the Act provides, *inter alia*, that the Secretary of State may temporarily prohibit the offer or sale of securities by any person without notice and prior hearing if the Secretary of State shall deem it necessary to prevent an imminent violation of the Act or to prevent losses to investors that will occur as a result of prior violations of the Act.
13. The entry of this Temporary Order prohibiting Respondent **Brendan P. Byrne** from offering or selling securities in the State of Illinois is in the public interest and for the protection of the investing public and is consistent with the purposes intended by the provision of the Act.

NOW THEREFORE IT IS HEREBY ORDERED THAT: pursuant to the authority granted by Section 11.F of the Act, Respondent **Brendan P. Byrne**, his partners, officers and directors, agents, employees, affiliates, successors and assigns are temporarily **PROHIBITED** from offering or selling securities in or from this State until further Order of the Secretary of State.

NOTICE is given that Respondents may request a hearing on this matter by transmitting such request in writing to the Director, Illinois Securities Department, 69 West Washington St., Suite 1220, Chicago, Illinois 60602. Such request must be made within thirty (30) calendar days of the date of the entry of the Temporary Order of Prohibition. Upon receipt of a request for a hearing, a hearing will be scheduled as soon as reasonably practicable. A request for a hearing will not stop the effectiveness of this Temporary

Order and will extend the effectiveness of this Temporary Order for sixty (60) calendar days from the date the hearing request is received by the Department.

FAILURE BY ANY RESPONDENT TO REQUEST A HEARING WITHIN THIRTY (30) CALENDAR DAYS AFTER ENTRY OF THESE TEMPORARY ORDERS OF PROHIBITION AND SUSPENSION SHALL CONSTITUTE AN ADMISSION OF ANY FACTS ALLEGED AND SHALL CONSTITUTE SUFFICIENT BASIS TO MAKE THE TEMPORARY ORDER OF PROHIBITION AND SUSPENSION FINAL.

Dated: This 17th day of September 2010.



JESSE WHITE
Secretary of State
State of Illinois

Attorney for the Secretary of State:

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