

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

IN THE MATTER OF: Nickolas F. DeFina
d/b/a DeFina Financial

FILE NO. 0600514

ORDER

TO THE RESPONDENT: Nickolas F. DeFina
d/b/a DeFina Financial
1014 S. Clarence Ave.
Oak Park, Illinois 60304

WHEREAS, the above-captioned matter came on to be heard on February 19, 2009 pursuant to the Amended Notice of Hearing dated October 15, 2008 filed by Petitioner Secretary of State, and the record of the matter under the Illinois Securities Law of 1953 [815 ILCS 5] (the "Act") 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 Fact, Conclusions of Law and Recommendations of the Hearing Officer, James L. Kopecky, Esq., in the above-captioned matter have been read and examined.

WHEREAS, the proposed Findings of Fact of the Hearing Officer are correct and are hereby adopted as the Findings of Fact of the Secretary of State:

Based on the evidence presented, the Hearing Officer finds that:

1. The Department served Respondent with a Notice of Hearing in October, 2008.
2. The Respondent failed to answer, appear, or submit a responsive pleading.
3. The Respondent did not appear at the Hearing.

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4. The Respondent, Nickolas F. DeFina, d/b/a DeFina Financial ("DeFina"), has a last known address of 1014 S. Clarence Ave., Oak Park, Illinois 60304.
5. DeFina provided investment services under the name DeFina Financial.
6. The investor, KG, is an Illinois resident.
7. DeFina is not registered in any capacity with the State of Illinois under the Act.
8. On November 13, 2003 KG invested \$10,000 with the Respondent.
9. On December 30, 2003 KG invested \$24,000 with the Respondent.
10. On September 4, 2005 KG invested \$5,000 with the Respondent.
11. The Respondent was to invest the funds identified above on behalf of KG in stocks and other securities.
12. The Respondent provided a statement as of June 30, 2005 identifying a balance of \$38,124.50 in KG's account although there is no other evidence that such account existed.
13. KG has not received a statement since June 30, 2005.
14. KG has not been able to obtain any of her funds from the Respondent.

WHEREAS, the proposed Conclusions of Law made by the Hearing Officer are correct and are hereby adopted as the Conclusions of Law of the Secretary of State:

1. The Department properly served the Notice of Hearing on Respondent.
2. The Notice of Hearing included the information required under Section 1102 of the Code.
3. The Secretary of State has jurisdiction over the subject matter pursuant to the Act.
4. Because of Respondent's failure to file a timely answer, special appearance or other responsive pleading in accordance with Section 13.1104:

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- a. The allegations contained in the Amended Notice of Hearing are deemed admitted;
 - b. Respondent waived his right to a hearing;
 - c. Respondent is subject to an Order of Default.
5. Because the Respondent failed to appear at the time and place set for hearing, in accordance with Section 130.1109, he:
- a. waived his right to present evidence, argue, object or cross examine witnesses; or
 - b. otherwise participate at the hearing.
6. Section 12.C of the Act provides that it shall be a violation of the Act to act as a dealer, salesperson, investment adviser, or an investment adviser representative, unless registered as such, where such registration is required, under the provisions of the Act.
7. Section 12.J(1) of the Act provides that it shall be a violation of the Act for any person when acting as an investment adviser, investment adviser representative, or federal covered investment adviser, by any means or instrumentality, directly or indirectly to employ any device, scheme or artifice to defraud any client or prospective client;
8. Section 12.J(2) of the Act provides that it shall be a violation of the Act for any person when acting as an investment adviser, investment adviser representative, or federal covered investment adviser, by any means or instrumentality, directly or indirectly to engage in any transaction, practice, or course of business which operates as a fraud or deceit upon any client or prospective client.

By virtue of the foregoing, Respondent has violated Sections 12.C, 12.J(1) and 12.J(2) of the Act.

WHEREAS, the Hearing Officer recommended that:

1. An order of default be entered against Respondent Nickolas F. DeFina;
2. An order be entered prohibiting Respondent Nickolas F. DeFina from acting as an investment advisor or investment advisor representative in the State of Illinois.

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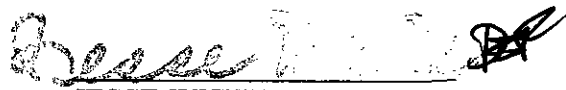
3. An order be entered prohibiting Respondent from selling or offering for sale securities in the State of Illinois.
4. A fine be imposed upon Respondent Nickolas F. DeFina in the amount of \$500.00.
5. Costs be assessed against Respondent Nickolas F. DeFina in the amount of \$500.00.

WHEREAS, Secretary of State adopts in its entirety the Recommendation made by the Hearing Officer.

NOW THEREFORE, IT SHALL BE AND IS HEREBY ORDERED:

1. That Respondent Nickolas F. DeFina is prohibited from acting as an investment advisor or investment advisor representative in the State of Illinois.
2. That Respondent is prohibited from selling or offering for sale securities in the State of Illinois.
3. That a fine is imposed upon Respondent Nickolas F. DeFina in the amount of \$500.00.
5. That costs are assessed against Respondent Nickolas F. DeFina in the amount of \$500.00.

ENTERED This 20th day of May 2009


JESSE WHITE
Secretary of State
State of Illinois

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NOTICE: Failure to comply with the terms of this Order shall be a violation of Section 12.D of the ACT. Any person or entity that 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 for each offence.

This is a final order subject to administrative review pursuant to the Administrative Review Law [735 ILCS 5/3-10], et seq. and the Rules and Regulations of the Act (14 Ill. Admin. Code, Ch. 1 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.