

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

\_\_\_\_\_  
IN THE MATTER OF: **Paul B. Bulgajewski** )  
\_\_\_\_\_)

FILE NO. 0800284

**ORDER OF REVOCATION**

**TO THE RESPONDENT:** Paul B. Bulgajewski  
(CRD#: 4171069)  
1315 W. Eddy  
Chicago, Illinois 60657

WHEREAS, the above-captioned matter came on to be heard on December 10, 2008 pursuant to the Notice of Hearing dated the 23rd day of June, 2008, FILED BY Petitioner Secretary of State, and 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 Finding of Fact, Conclusions of Law and Recommendations of the Hearing Officer, George Berbas, Attorney at Law, 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:

1. The Department served Respondent with the Notice of Hearing on the 27th day of October 2008.
2. Respondent failed to appear either by himself or through his attorney at the hearing on December 10, 2008, and also failed to respond or otherwise answer to the allegations in the complaint.
3. Due notice having been given to the Respondent, and Respondent having failed to appear, the Department was allow to proceed to a Default Hearing.

## Order of Revocation

2

4. That Respondent, Paul B. Bulgajewski was registered with the Secretary of State as a salesperson in the State of Illinois pursuant to Section 8 of the Act until September 12, 2006.
5. That on February 29, 2008, FINRA entered a Default Decision, regarding File No. 200600643106 which barred Respondent from association with any member of FINRA in any capacity.

WHEREAS the proposed Findings of Fact of the Hearing Officer are incomplete, The Secretary of State makes the following additional Findings of Fact that were alleged in the Notice of Hearing and proved at the September 10, 2008 Hearing:

- 6 That the Decision found:

### Violations

The first cause of the Complaint alleges that in August 2006, the Respondent wrote four checks, totaling \$1,150, from a bank account which exceeded the funds available in that account. He deposited those checks in his personal account maintained at the bank affiliate of his FINRA member firm, which created inflated balances of uncollected funds in that account and allowed other checks written on that account to clear. As a result of his conduct, he had a debit balance of \$604.41 in his account at the bank affiliate of his firm. The Respondent admitted to his firm that he knew that there were insufficient funds in the first bank account, and he stated that he intended to obtain a short-term loan to pay for the checks. The admitted facts describe a check kiting scheme by which the Respondent violated NASD Rule 2110's requirement that members and associated persons observe high standards of commercial honor and just and equitable principles of trade.

The second cause of the Complaint alleges that on or about November 1, 2006, and on or about November 30, 2006, FINRA staff, in the course of its investigation into whether he had deposited checks from one bank account to another without sufficient funds, sent the Respondent requests, pursuant to Rule 8210, for information with respect to the subject matter of its investigation. FINRA staff sent the requests to him by certified and first class mail to his CRD address. Because the requests were sent to him at his CRD address, pursuant to NASD Rule 8210(d), he is deemed to have received them. Furthermore, FINRA staff received a certified return receipt for the November 1 mailing which was apparently signed by the Respondent, and the staff determined from the Post Office website that the November 30 certified mailing was delivered. By failing to respond to the requests, the Respondent violated NASD Rules 8210 and 2110.

7. That FINRA is a self-regulatory organization as specified in Section 8.E(1)(j) of the Act.

## Order of Revocation

3

8. That Section 8.E(3) of the Act provides, inter alia, withdrawal of an application for registration or withdrawal from registration as a salesperson, becomes effective 30 days after receipt of an application to withdraw or within such shorter period of time as the Secretary of State may determine. If no proceeding is pending or instituted and withdrawal automatically becomes effective, the Secretary of State may nevertheless institute a revocation or suspension proceeding within 2 years after withdrawal became effective and enter a revocation or suspension order as of the last date on which registration was effective.
9. That by virtue of the foregoing, the Respondent's registration as a salesperson in the State of Illinois is subject to revocation pursuant to Sections 8.E(1)(j) and 8.E(3) of the Act.

WHEREAS, the proposed Conclusions of Law made by the Hearing officer are correct in part and incorrect in part, they are hereby adopted as modified, as the Conclusions of Law of the Secretary of State:

1. The Department properly served the Notice of Hearing on Respondent on October 27, 2008.
2. The Secretary of State has jurisdiction over the subject matter hereof pursuant to the Act.
3. Respondent failed to answer or otherwise appear at the hearing in accordance with Section 130.11104, therefore,
  - a. The allegations contained in the Notice of Hearing are deemed admitted;
  - b. Respondent waived his right to a hearing.
  - c. Respondent is subject to an order of Default.
4. The Respondent was registered with the Secretary of State as a salesperson in the State of Illinois pursuant to Section 8 of the Act until September 12, 2006.
5. That on February 21, 2008, FINRA entered a Default Decision, regarding disciplinary proceeding No. 200600643106 which barred Respondent from association with any member of FINRA in any capacity.
6. That Section 8.E(1)(j) of the Act provides that the registration of a salesperson may be revoked if he had had any order entered against him in a self regulatory organization for a violation of such organizations.

Order of Revocation

4

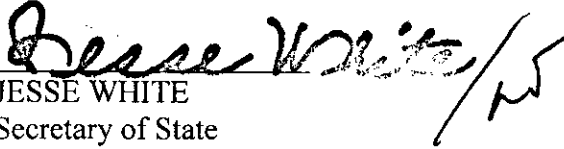
7. That Section 8.E(3) of the Act provides, inter alia, withdrawal of an application for registration or withdrawal from registration as a salesperson, becomes effective 30 days after receipt of an application to withdraw or within such shorter period of time as the Secretary of State may determine. If no proceeding is pending or instituted and withdrawal automatically becomes effective, the Secretary of State may nevertheless institute a revocation or suspension proceeding within 2 years after withdrawal became effective and enter a revocation or suspension order as of the last date on which registration was effective.
8. The respondent's registration as a salesperson in the state of Illinois is subject to revocation pursuant to Section 8.E(1)(j) and 8.E(3) of the Act, effective September 12, 2006.
9. The Department proved the allegations contained in the complaint in the Default prove-up hearing on December 10, 2008.

WHEREAS, the Hearing Officer recommended that the Secretary of State should REVOKE respondent Paul B. Bulgajewski registration as a salesperson in the State of Illinois and the Secretary of State adopts the Hearing Officer's recommendation.

NOW THEREFORE, IT SHALL BE AND IS HERBY ORDERED THAT:

1. Respondent Paul B. Bulgajewski's registration as a salesperson in the State of Illinois is **REVOKED**, effective September 12, 2006.
2. The matter is concluded without further proceedings.

DATED: This 27<sup>th</sup> Day of February, 2009

  
JESSE WHITE  
Secretary of State  
State of Illinois

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