

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

IN THE MATTER OF: MICHAEL J. BRDECKA

FILE NO. 0600429

**CORRECTED ORDER OF REVOCATION**

TO THE RESPONDENT: Michael J. Brdecka  
(CRD#: 1107910)  
2259 Sable Oaks Drive  
Naperville, Illinois 60564

WHEREAS, the above-captioned matter came on to be heard on March 7, 2007, pursuant to the Notice of Hearing dated November 1, 2006, 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 following 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 a Notice of Hearing on January 9, 2007.
2. The Respondent failed to answer, appear, or submit a responsive pleading.
3. The Respondent did not appear at the Hearing.
4. At all relevant times, 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 June 27, 2006.

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5. On June 23, 2006, a judgment of guilty was entered against the Respondent by the United States District Court, Northern District of Illinois, Western Division, in the case titled "United State of America v. Michael J. Brdecka," Case Number: 05 CR 5007-1.
6. The above-referenced judgment was entered pursuant to the Respondent's entering a plea of "guilty" to Count Two of a certain grand jury indictment returned July 19, 2005, alleging a violation of Title 18, United States Code, section 1954, a felony.
7. Count two of the above-referenced indictment alleged that at times material to this indictment.
  - a. Ironworkers Local 498 was part of the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, and was located in Rockford, Illinois. Ironworkers Local 498 was an employee organization whose members were covered by a joint labor-management employee pension benefit plan, which was subject to a provision of Title I of the Employee Retirement Income Security Act of 1974 and provided and sponsored a plan of benefits to eligible employees.
  - b. Ironworkers Local 136 was a part of the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, and was located in River Grover, Illinois. Ironworkers Local 136 was also known as Machinery Movers, Riggers and Machinery Erectors Local 136, or simply Machinery Movers Local 136. Machinery Movers Local 136 was an employee organization whose members were covered by a joint labor-management employee health and welfare benefit plan, which was subject to provision of Title I of the Employee Retirement Income Security Act of 1974 and provided and sponsored a plan of benefits to eligible employees.
  - c. Sheet Metal Workers Local 218(S) was a part of the Sheet Metal Workers International Association, and was located in Springfield, Illinois. Sheet Metal Workers Local 218(S) was an employee organization whose members were covered by a join labor-management employee pension benefit plan, which was subject to a provision of Title I of the Employee Retirement Income Security Act of 1974 and provided and sponsored a plan of benefits to eligible employees.

- d. Ironworkers Local 465 was a part of the International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, and was located in Kankakee, Illinois. Ironworkers Local 465 was an employee organization whose members were covered by a joint labor-management employee health and welfare benefit plan, which was subject to provision of Title I of the Employee Retirement Income Security Act of 1974 and provided and sponsored a plan of benefits to eligible employees.
- e. Joseph/Anthony and Associates, inc. (“Joseph/Anthony”), was an Illinois corporation. Michael G. Lindner (“Linder”) was an officer, namely the President, and an employee of Joseph/Anthony.
- f. Joseph/Anthony entered into an Administrative Services Agreement with an employee health and welfare benefit plan of Machinery Movers Local 498 under which the plan paid Joseph/Anthony to provide benefit services to the plan.
- g. Joseph/Anthony entered into an Administrative Services Agreement with an employee pension benefit plan of Sheet metal Workers Local 136 under which the plan paid Joseph/Anthony to provide benefit plan services to the plan.
- h. Joseph/Anthony entered into an Administrative Services Agreement with an employee health and welfare benefit plan of Ironworkers Local 218(S) under which the plan paid Joseph/Anthony to provide benefit plan services to the plan.
- i. Joseph/Anthony entered into an Administrative Services Agreement with an employee health and welfare benefit plan of Ironworkers and Local 465 under which the plan paid Joseph/Anthony to provide benefit plan services to the plan.

WHEREAS, the following proposed Findings of Fact of the hearing officer are correct in part and adopted as the Secretary of State’s Findings of Fact and incorrect in part and adopted by the Secretary of State as modified to include facial changes to the Notice that were made at the hearing on the Department’s motion, which was granted by the Hearing Officer:

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- j. On or about January 20, 2000, at Matteson and DuPage County, in the Northern District of Illinois, and elsewhere, Michael J. Brdecka, defendant herein, did, directly and indirectly, give Michael G. Linder, a fee, kickback, Commission, and money, namely \$9,700, because of the actions, decisions, and other duties of Linder relating to questions and matters concerning the pension plan of Ironworkers Local 498, the health and welfare benefit plan of Machinery Movers 136, the pension plan of sheet Metal Workers 218(S), and the health and welfare benefit plan of Ironworkers Local 465; in violation of Title 18, United States Code, Section 1954.
- k. At all relevant times the Respondent was registered with the Secretary of state as an investment adviser in the State of Illinois pursuant to Section 8 of the Act until June 27, 2006.

WHEREAS, the following 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 on January 9, 2007
- 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 hereof 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:
  - (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.

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5. Because the Respondent failed to appear at the time and place set for hearing, 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. That Section 8.E(1)(a) of the Act provides that the registration of a salesperson and investment adviser may be revoked if the Secretary of State finds that such salesperson or investment adviser has been convicted of any felony during the 10 year period preceding the date of filing of any application for registration or at any time thereafter, or of any misdemeanor of which fraud is an essential element.
7. That Section 8.E(3) of the Act provides, *inter alia*, that withdrawal of an application for registration or withdrawal from registration as a salesperson or investment adviser, 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.

WHEREAS, the following proposed Conclusion of Law is correct in part and the Secretary of State adopts it in its entirety and modifies it in accord with the additional finding of fact that Respondent Michael J. Brdecka was at all times relevant registered as an investment advisor in the State of Illinois until June 27, 2006:

8. Respondent Michael J. Brdecka's registrations as a salesperson and investment adviser in the State of Illinois are subject to REVOCATION, effective June 27, 2006.

WHEREAS, the Hearing Officer recommended that the Secretary of State should REVOKE the Respondent Michael J. Brdecka's registration as a salesperson and investment adviser in the State of Illinois, and the Secretary of State adopts in its entirety the Recommendation made by the Hearing Officer, and modifies it in accord with the additional conclusions of law that Respondent Michael J. Brdecka registrations as both salesperson and investment adviser in the State of Illinois are subject to Revocation, effective June 27, 2006.

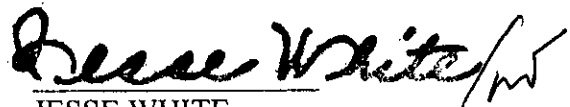
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NOW THEREFORE, IT SHALL BE AND IS HEREBY ORDERED:

1. Respondent Michael J. Brdecka registrations as a salesperson and investment advisor in the State of Illinois are REVOKED, pursuant to the authority provided under Sections 8.E(1)(a) and 8.E(3) of the Act, effective June 27, 2006.
2. This matter is concluded without further proceedings.

ENTERED This 14<sup>th</sup> day of May 2007.



JESSE WHITE  
Secretary of State  
State of Illinois

NOTICE: Failure to comply with the terms of this Order shall be a violation of the Section 12.D of 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 the Order, shall be guilty of a Class 4 Felony.

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 Illinois Securities Act, {14 Ill. Admin. Code Ch. I, Section 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.