

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

\_\_\_\_\_  
IN THE MATTER OF: OSCAR DONALD )  
OVERBEY, JR. )  
\_\_\_\_\_ )

No. C0600460

**ORDER OF PROHIBITION AND REVOCATION**

**TO THE RESPONDENT . Oscar Donald Overbey, Jr.  
(CRD# 2066217)  
1100 Church Street  
No. 605  
Evanston, IL 60062**

WHEREAS, a Temporary Order of Prohibition and Suspension was issued by the Secretary of State on March 21, 2007, which prohibited Oscar Donald Overbey, Jr ("Respondent") from offering or selling securities in or from the State of Illinois and suspended Respondent's registration as an Investment Advisor Representative in the State of Illinois retroactively to July 28, 2006, until further order from the Secretary of State or his duly authorized representative,

WHEREAS, pursuant to Section 11 F of the Illinois Securities Law of 1953 [815 ILCS 5] (the "Act"), the failure to request a hearing within thirty (30) calendar days of the entry of the Temporary Order shall constitute an admission of any facts alleged therein and constitute a sufficient basis to make the Temporary Order final,

WHEREAS, Respondent has failed to request a hearing on the matters contained in the Temporary Order within thirty (30) calendar days of the entry of said Temporary Order and the Respondents are hereby deemed to have admitted the facts alleged in the Temporary Order,

WHEREAS, the Secretary of State, by and through his duly authorized representative, has adopted the Findings of Fact contained in the said Temporary Order as the Secretary of State's Findings of Fact as follows

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1. Respondent Oscar Donald Overbey, Jr. ("Overbey") was an investment advisor representative for Ameriprise Financial Services, Inc. ("Ameriprise") from October of 1990 through July 28, 2006
2. Overbey last known address is 1100 Church Street in Evanston, Illinois, where he has resided since 1987
3. Overbey was the franchise owner of the Ameriprise branch office located at 500 Skokie Blvd, in Skokie, Illinois

**OVERBEY'S VICTIMS:**

**Victim One:**

4. On July 6, 2006 Overbey diverted \$100,000.00 from an Ameriprise client's ("Victim 1") account into Overbey's own personal banking account at Chase Bank
5. On information and belief, Overbey utilized Ameriprise documents to transfer Victim 1's money from his Ameriprise account to Overbey's personal banking account
6. Overbey's explanation to Ameriprise for stealing Victim 1's money was to make it easier to "consolidate" Victim 1's Ameriprise accounts
7. At that time Overbey's personal banking account had been depleted, and was incurring insufficient funds and returned item fees and charges.
8. On July 6, 2006, the same day Overbey stole Victim 1's money and deposited it into his personal banking account. Overbey withdrew \$74,000.00 from that account, followed by an additional \$500.00 withdrawal while Overbey was at the Resorts Casino in East Chicago the very next day
9. Section 12 F of The Illinois Securities Law of 1953, 815 ILCS 5/1 *et seq.*, (The "Act") states that it shall be a violation of the provisions of this 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" 815 ILCS 5/12.F.
10. Section 12 G of the Act states that it shall be a violation of the provisions of this Act for any person to, "obtain money or property through the sale of securities by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading" 815 ILCS 5/12 G

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- 11 Section 12 I of the Act states that it shall be a violation of the provisions of this Act for any person to, "employ any device, scheme, or artifice to defraud in connection with the sale or purchase of any security, directly or indirectly 815 ILCS 5/12 I
- 12 Section 8 E(1)(b) of the Act states that the registration of an investment advisor representative may be suspended or revoked if that investment advisor representative has engaged in any unethical practice in connection with any security, the offer or sale of securities or in any fraudulent business practice 815 ILCS 5/8.E (1)(b)
- 13 The allegations contained in paragraphs 1 through 8. above, constitute violations of Sections 12.F, 12 I, and 12 G of the Act, subjecting Respondent to prohibition from offering or selling securities or acting as an Investment Advisor Representative pursuant to Section 11 F of the Act, and subjecting his registration as an Investment Advisor Representative to revocation pursuant to Section 8 E(1)(b) of the Act.

**Victim Two:**

- 14 A client of Ameriprise and Overbey for over fifteen years, ("Victim 2"), was induced by Overbey to invest \$218,000 00 into a purported business, "Color Me Coffee "
- 15 In late 1996 Overbey first solicited Victim 2 to invest in Color Me Coffee, a business that was, as Overbey described, minority-owned for tax benefits and operating out of Navy Pier and the McCormick Center in Chicago
- 16 According to the Secretary of State's Business Services records the real "Color Me Coffee" had dissolved in 1992, long before Overbey began soliciting investments in its name
17. Overbey deposited Victim 2's money into Overbey's personal banking account
- 18 In August of 2006 Overbey solicited Victim 2 for a \$50,000 00 short-term investment into another purported coffee business in Indianapolis.
- 19 Overbey deposited Victim 2's \$50,000 00 into a banking account under his, Overbey's, management and control
- 20 Overbey promised the investment would be repaid in a few days, with interest

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- 21 However, Despite Victim 2's repeated demands for payment, Overbey refuses to pay Investor 2 his principal and interest
22. When Investor 2 demanded Overbey to provide financial reports and documentation regarding his \$218,000 "Color Me Coffee" investment, Overbey refused
- 23 The activities described in paragraphs 14, 15, 17, 18, 19 and 20, above, constitute the offer and sale of an investment contract, and evidence of indebtedness, and therefore a security, as those terms are defined in Sections 2 1, 2 5, and 2 5a of the Illinois Securities Law of 1953 [815 ILCS 5/1 *et seq* ] (the "Act")
24. Section 5 of the Act requires all securities offered or sold in Illinois to be registered with the Secretary of State
- 25 Section 12 A of the Act states that it shall be a violation of the provisions of the Act to offer or sell any security except in accordance with the provisions of this Act
- 26 Section 12 D of the Act states that it shall be a violation of the provisions of the Act to fail to file with the Secretary of State any application, report or document required to be filed under the provisions of the Act or any rule or any regulation made by the Secretary of State
- 27 Overbey's Investment Contracts, as described above, were not registered with the Secretary of State, and therefore, Respondent has violated Sections 5, 12 A and 12 D of the Act
- 28 Section 12 F of The Illinois Securities Law of 1953, 815 ILCS 5/1 *et seq*, (The "Act") states that it shall be a violation of the provisions of this 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." 815 ILCS 5/12 F
- 29 Section 12.G of the Act states that it shall be a violation of the provisions of this Act for any person to, "obtain money or property through the sale of securities by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading " 815 ILCS 5/12 G
- 30 Section 12 I of the Act states that it shall be a violation of the provisions of this Act for any person to, "employ any device, scheme, or artifice to defraud in connection with the sale or purchase of any security, directly or indirectly 815 ILCS 5/12 I

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31. Section 8 E(1)(b) of the Act states that the registration of an investment advisor representative may be suspended or revoked if that investment advisor representative has engaged in any unethical practice in connection with any security, the offer or sale of securities or in any fraudulent business practice 815 ILCS 5/8.E (1)(b)

32. The allegations contained in paragraphs 14 through 22, above, constitute violations of Sections 12 F, 12 I, and 12.G of the Act, subjecting Respondent to prohibition from offering or selling securities or acting as an Investment Advisor Representative pursuant to Section 11 F of the Act, and subjecting his registration as an Investment Advisor Representative to revocation pursuant to Section 8 E(1)(b) of the Act

**Victim Three:**

33. In August of 2003 Overbey solicited an Ameriprise client ("Victim 3"), a client since 1991, for a \$10,000 00 business loan to purportedly assist another Ameriprise client to close on a business sale.

34. Again, in May of 2006, Overbey solicited Victim 3 for another \$50,000 00 business loan claiming that the 2003 closing had been held-up and more money would be needed, temporarily, to complete the closing and get Victim 3's principal and interest paid

35. Overbey told Victim 3 that the transactions were backed by Ameriprise, and that once the closing occurred Victim 3 would get all of the principal and interest owed him

36. Overbey misrepresented that this transaction was backed by Ameriprise, and, furthermore, the underlying investment itself was fabricated by Overbey.

37. Victim 3 provided Overbey with two checks, totaling \$50,000 00, in May of 2006

38. On May 10, 2006 Overbey deposited Victim 3's money into his personal banking account, which, at that time, had been depleted and he had incurred several insufficient fund and returned item fees and charges due to Overbey's repeated overdrafts from his account

39. On May 12, 2006, Overbey, with Victim 3's money in his banking account, began paying his personal bills including his \$577 79 monthly car payment, his \$120.00 cable television bill, his credit card debt and his life insurance premium, after which Overbey was back at the casinos, spending Victim 3's money at the card tables and roulette wheel

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- 40 Overbey refuses to pay Victim 3 his principal and interest despite repeated demands
41. The activities described in paragraphs 33, 34, 35, 37 and 38 above, constitute the offer and sale of an investment contract, and evidence of indebtedness, and therefore a security, as those terms are defined in Sections 2 1, 2 5, and 2 5a of the Illinois Securities Law of 1953 [815 ILCS 5/1 *et seq* ] (the "Act")
- 42 Section 5 of the Act requires all securities offered or sold in Illinois to be registered with the Secretary of State
43. Section 12 A of the Act states that it shall be a violation of the provisions of the Act to offer or sell any security except in accordance with the provisions of this Act
- 44 Section 12 D of the Act states that it shall be a violation of the provisions of the Act to fail to file with the Secretary of State any application, report or document required to be filed under the provisions of the Act or any rule or any regulation made by the Secretary of State
- 45 Overbey's Investment Contracts, as described above, were not registered with the Secretary of State, and therefore, Respondent has violated Sections 5, 12 A and 12 D of the Act.
- 46 Section 12 F of The Illinois Securities Law of 1953, 815 ILCS 5/1 *et seq*, (The "Act") states that it shall be a violation of the provisions of this 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" 815 ILCS 5/12 F
- 47 Section 12.G of the Act states that it shall be a violation of the provisions of this Act for any person to, "obtain money or property through the sale of securities by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading" 815 ILCS 5/12 G
- 48 Section 12 I of the Act states that it shall be a violation of the provisions of this Act for any person to, "employ any device, scheme, or artifice to defraud in connection with the sale or purchase of any security, directly or indirectly" 815 ILCS 5/12 I
- 49 Section 8 E(1)(b) of the Act states that the registration of an investment advisor representative may be suspended or revoked if that investment advisor representative has engaged in any unethical practice in connection with any

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security, the offer or sale of securities or in any fraudulent business practice 815  
ILCS 5/8 E (1)(b)

50 The allegations contained in paragraphs 33 through 40, above, constitute violations of Sections 12 F, 12 I, and 12 G of the Act, subjecting Respondent to prohibition from offering or selling securities or acting as an Investment Advisor Representative pursuant to Section 11 F of the Act; and subjecting his registration as an Investment Advisor Representative to revocation pursuant to Section 8 E(1)(b) of the Act

**Victims Four and Five**

51 In May of 2006 Overbey solicited two long-term Ameriprise clients ("Victims 4 and 5," respectively) to provide a \$25,000 00 business loan for the purported sale of another Ameriprise client's business

52 Overbey stated that the business loan would be paid back with interest in two days and that the transaction was backed by Ameriprise

53 Overbey's representations that this transaction was backed by Ameriprise was a lie, as was the existence of the underlying business transaction

54 On June 28, 2006, Overbey deposited Victim 4 and 5's money into his personal banking account

55 At that time Overbey had depleted his personal banking account, incurring significant insufficient fund and returned item fees and charges

56 On the same day that Overbey deposited Victim 4 and 5's money into his own personal bank account, Overbey withdrew \$36,000 00, and on the next day an additional \$9,000.00 Overbey also began paying his personal bills such as Netflix movie rental, AOL high speed internet service, and even his life insurance premium

57 Overbey refused to pay Victims 4 and 5 their principal and interest

58 The activities described in paragraphs 51, 52 and 54, above, constitute the offer and sale of an investment contract, and evidence of indebtedness, and therefore a security, as those terms are defined in Sections 2 1, 2 5, and 2 5a of the Illinois Securities Law of 1953 [815 ILCS 5/1 *et seq*] (the "Act")

59 Section 5 of the Act requires all securities offered or sold in Illinois to be registered with the Secretary of State

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- 60 Section 12 A of the Act states that it shall be a violation of the provisions of the Act to offer or sell any security except in accordance with the provisions of this Act
- 61 Section 12 D of the Act states that it shall be a violation of the provisions of the Act to fail to file with the Secretary of State any application, report or document required to be filed under the provisions of the Act or any rule or any regulation made by the Secretary of State
62. Overbey's Investment Contracts, as described above, were not registered with the Secretary of State, and therefore, Respondent has violated Sections 5, 12 A and 12 D of the Act.
63. Section 12 F of The Illinois Securities Law of 1953, 815 ILCS 5/1 *et seq.* (The "Act") states that it shall be a violation of the provisions of this 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" 815 ILCS 5/12 F
- 64 Section 12.G of the Act states that it shall be a violation of the provisions of this Act for any person to, "obtain money or property through the sale of securities by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading." 815 ILCS 5/12 G
- 65 Section 12 I of the Act states that it shall be a violation of the provisions of this Act for any person to, "employ any device, scheme, or artifice to defraud in connection with the sale or purchase of any security, directly or indirectly. 815 ILCS 5/12 I
- 66 Section 8 E(1)(b) of the Act states that the registration of an investment advisor representative may be suspended or revoked if that investment advisor representative has engaged in any unethical practice in connection with any security, the offer or sale of securities or in any fraudulent business practice 815 ILCS 5/8 E (1)(b).
- 67 The allegations contained in paragraphs 51 through 57, above, constitute violations of Sections 12.F, 12 I, and 12 G of the Act, subjecting Respondent to prohibition from offering or selling securities or acting as an Investment Advisor Representative pursuant to Section 11 F of the Act; and subjecting his registration as an Investment Advisor Representative to revocation pursuant to Section 8 E(1)(b) of the Act



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**Victims Six and Seven**

- 68 In July and August of 2005 Overbey solicited two Ameriprise clients ("Victims 6 and 7, respectively") to invest \$150,000.00 into Investment Notes purportedly guaranteed by the State of Illinois
69. Overbey told Victims 6 and 7, both educators, that the purported Investment Notes were established to assist in financing the education of poor children in Chicago, would provide at least a 10% return, and had no risk because they were guaranteed by the local and State governments of Illinois
- 70 In August of 2005 Overbey deposited Victim 6 and 7's money into a banking account under his management and control
- 71 The purported government-backed investment notes Overbey sold to Victims 6 and 7 never existed
- 72 During the same period of time (the summer of 2005) Overbey's personal banking account at Chase had been overdrawn and incurring insufficient fund and returned item fees and charges
- 73 After obtaining Victim 6 and 7's money, Overbey again began paying his personal bills, including his rent, life insurance premium, credit card debt, bank debt and, his \$100.00 cable bill for that month, and his utility bills
- 74 Section 5 of the Act requires all securities offered or sold in Illinois to be registered with the Secretary of State
- 75 Section 12.A of the Act states that it shall be a violation of the provisions of the Act to offer or sell any security except in accordance with the provisions of this Act.
- 76 Section 12.D of the Act states that it shall be a violation of the provisions of the Act to fail to file with the Secretary of State any application, report or document required to be filed under the provisions of the Act or any rule or any regulation made by the Secretary of State
- 77 Overbey's "government backed" Investment Contracts, as described above, were not registered with the Secretary of State, and therefore, Respondent has violated Sections 5, 12 A and 12 D of the Act
- 78 The activities described in paragraphs 68 through 70, above, constitute the offer and sale of an investment contract, and evidence of indebtedness, and therefore a security, as those terms are defined in Sections 2.1, 2.5, and 2.5a of the Illinois Securities Law of 1953 [815 ILCS 5/1 *et seq*] (the "Act")

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- 79 Section 12 F of The Illinois Securities Law of 1953, 815 ILCS 5/1 *et seq.*, (The "Act") states that it shall be a violation of the provisions of this 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" 815 ILCS 5/12 F
80. Section 12 G of the Act states that it shall be a violation of the provisions of this Act for any person to, "obtain money or property through the sale of securities by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading " 815 ILCS 5/12 G.
- 81 Section 12 I of the Act states that it shall be a violation of the provisions of this Act for any person to, "employ any device, scheme, or artifice to defraud in connection with the sale or purchase of any security, directly or indirectly 815 ILCS 5/12.I
- 82 Section 8 E(1)(b) of the Act states that the registration of an investment advisor representative may be suspended or revoked if that investment advisor representative has engaged in any unethical practice in connection with any security, the offer or sale of securities or in any fraudulent business practice 815 ILCS 5/8 E (1)(b)
83. The allegations contained in paragraphs 68 through 73, above, constitute violations of Sections 12 F, 12 I, and 12 G of the Act, subjecting Respondent to prohibition from offering or selling securities or acting as an Investment Advisor Representative pursuant to Section 11 F of the Act, and subjecting his registration to revocation pursuant to Section 8 E(1)(b) of the Act

**Victims Eight and Nine**

- 84 In March of 2006 Overbey had solicited another two Ameriprise clients ("Victims 8 and 9," respectively) for a \$50,000.00 investment into "1010 Chicago Real Estate LLC "
- 85 On March 30, 2006 Overbey deposited Victim 8 and 9's money into his personal banking account and immediately paid his personal bills
- 86 At that time Overbey had depleted his personal banking account, incurring insufficient fund and returned item fees and charges
87. According to the Secretary of State's Business Services records there is no "1010 Chicago Real Estate LLC " registered to do business in the State of Illinois

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- 88 Overbey refuses to pay Victims 8 and 9 their principal and interest
- 89 The activities described in paragraphs 84 through 85, above, constitute the offer and sale of an investment contract, and evidence of indebtedness, and therefore a security, as those terms are defined in Sections 2 1, 2 5, and 2 5a of the Illinois Securities Law of 1953 [815 ILCS 5/1 *et seq* ] (the "Act")
- 90 Section 5 of the Act requires all securities offered or sold in Illinois to be registered with the Secretary of State
- 91 Section 12 A of the Act states that it shall be a violation of the provisions of the Act to offer or sell any security except in accordance with the provisions of this Act
- 92 Section 12 D of the Act states that it shall be a violation of the provisions of the Act to fail to file with the Secretary of State any application, report or document required to be filed under the provisions of the Act or any rule or any regulation made by the Secretary of State
- 93 Overbey's "1010 Chicago Real Estate" investment, as described above, was not registered with the Secretary of State, and therefore, Respondent has violated Sections 5, 12 A and 12 D of the Act
- 94 Section 12 F of The Illinois Securities Law of 1953, 815 ILCS 5/1 *et seq*, (The "Act") states that it shall be a violation of the provisions of this 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." 815 ILCS 5/12 F
- 95 Section 12 G of the Act states that it shall be a violation of the provisions of this Act for any person to, "obtain money or property through the sale of securities by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made. not misleading " 815 ILCS 5/12 G
- 96 Section 12 I of the Act states that it shall be a violation of the provisions of this Act for any person to, "employ any device, scheme, or artifice to defraud in connection with the sale or purchase of any security, directly or indirectly 815 ILCS 5/12 I
- 97 Section 8 E(1)(b) of the Act states that the registration of an investment advisor representative may be suspended or revoked if that investment advisor representative has engaged in any unethical practice in connection with any

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security, the offer or sale of securities or in any fraudulent business practice 815  
ILCS 5/8 E (1)(b)

- 98 The allegations contained in paragraphs 84 through 88, above, constitute violations of Sections 12 F, 12 I, and 12 G of the Act, subjecting Respondent to prohibition from offering or selling securities or acting as an Investment Advisor Representative pursuant to Section 11.F of the Act, and subjecting his registration as an Investment Advisor Representative to revocation pursuant to Section 8.E(1)(b) of the Act

**Respondent Overbey Refused to Respond to the Department's Subpoenas**

- 99 On or about November 8, 2006 Overbey was personally served with two Subpoenas by the Department, one requesting documents, and the second for Overbey to provide a sworn statement
- 100 Overbey refused to respond to the Subpoenas, Overbey provided non-responsive documents and refused to appear to provide a sworn statement
- 101 Pursuant to the authority granted in Section 11 D of the Act the Illinois Securities Department ("Department") may issue subpoenas for the purposes of investigation and enforcement of the Act
102. Section 12 D of the Act provides, *inter alia*, that it shall be a violation for any person to fail to file with the Secretary of State any application, report or document required to be filed under the provisions of the Act or any rule or regulation made by the Secretary of State pursuant to the Act
- 103 By virtue of his refusal to comply to the subpoenas' demand for documents and for a sworn statement, Respondent Overbey has violated Section 12 D of the Act
104. Section 8 E(3) of the Act provides that if the Secretary of State has instituted a proceeding revoking the registration of an Investment Advisor Representative, an order revoking the registration as of the last date on which registration was effective may be entered
105. Respondent Oscar Donald Overbey, Jr 's registration as an Investment Advisor Representative, pursuant to Sections 11 F and 8 E(1)(b) of the Act, is subject to revocation effective July 28, 2006, pursuant to Section 8 E(3) of the Act

NOW THEREFORE IT IS HEREBY ORDERED THAT pursuant to the authority granted by Section 11 F of the Act, Respondent Oscar Donald Overbey, Jr is **PROHIBITED** from offering or selling securities or acting as an Investment Advisor in or from this State, **AND** Respondent Oscar Donald Overbey, Jr 's registration as an

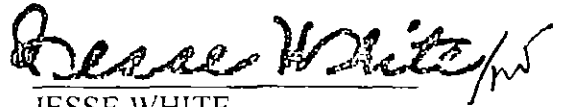
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Investment Advisor Representative for Ameriprise Financial Services, Inc. is  
**REVOKED** effective July 28, 2006

ENTERED This 7<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 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.

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, 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.