

STATE OF ILLINOIS
SECRETARY OF STATE
SECURITIES DEPARTMENT

IN THE MATTER OF: MICHAEL J. BRDECKA

FILE NO. 0600429

NOTICE OF HEARING

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

You are hereby notified that pursuant to Section 11.F of the Illinois Securities Law of 1953 [815 ILCS 5] (the "Act") and 14 Ill. Adm. Code 130, Subpart K, a public hearing will be held at 69 West Washington Street, Suite 1220, Chicago, Illinois 60602, on the 3rd day of January, 2007 at the hour of 10:00 a.m. or as soon as possible thereafter, before, James L. Kopecky, Esq. or such other duly designated Hearing Officer of the Secretary of State.

Said hearing will be held to determine whether an Order shall be entered revoking Michael J. Brdecka's (the "Respondent") registration as a salesperson in the State of Illinois and/or granting such other relief as may be authorized under the Act including but not limited to the imposition of a monetary fine in the maximum amount pursuant to Section 11.E(4) of the Act, payable within ten (10) business days of the entry of the Order.

The grounds for such proposed action are as follows:

1. That 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.
2. That 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 styled "United States of America v. Michael J. Brdecka", CASE NUMBER: 05 CR 50071-1.

3. 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 violation of TITLE 18, UNITED STATES CODE, SECTION 1954, a felony.
4. That Count two of the above-referenced indictment alleged that at times material to this indictment:
 - a. Ironworkers Local 498 was a 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 Grove, 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 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.
 - 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 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.

- d. Ironworkers Local 465 was a part of the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, 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 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.
- e. Joseph/Anthony and Associates, Inc. ("Joseph/Anthony"), was an Illinois corporation. Michael G. Linder ("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 pension benefit plan of Ironworkers Local 498 under which the plan paid Joseph/Anthony to provide benefit plan services to the plan.
- g. Joseph/Anthony entered into an Administrative Services Agreement with an employee health and welfare benefit plan of Machinery Movers 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 pension benefit plan of Sheet metal Workers Local 218(S) under which the plan paid Joseph/Anthony to provide benefit plan services to the plan.
- i. Joseph/Anthony entered into Administrative Services Agreements with an employee health and welfare benefit plan of Ironworkers Local 465 under which the plan paid Joseph/Anthony to provide benefit plan services to the plan.
- 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 \$59,700, because of the actions, decisions, and other duties of Linder relating to questions and matters concerning the pension plan of iron workers 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.

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5. That Section 8.E(1)(a) of the Act provides that the registration of a salesperson may be revoked if the Secretary of State finds that such salesperson 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.
6. 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.
7. 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)(a) and 8.E(3) of the Act.

You are further notified that you are required pursuant to Section 130.1104 of the Rules and Regulations (14 ILL. Adm. Code 130)(the "Rules"), to file an answer to the allegations outlined above within thirty (30) days of the receipt of this Notice. A failure to file an answer within the prescribed time shall be construed as an admission of the allegations contained in the Notice of Hearing.

Furthermore, you may be represented by legal counsel; may present evidence; may cross-examine witnesses and otherwise participate. A failure to so appear shall constitute default, unless any Respondent has upon due notice moved for and obtained a continuance.

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A copy of the Rules, promulgated under the Act and pertaining to hearings held by the Office of the Secretary of State, Securities Department, is included with this Notice.

Delivery of Notice to the designated representative of any Respondent constitutes service upon such Respondent.

Dated: This 1st day of November 2006.


JESSE WHITE
Secretary of State
State of Illinois

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