

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

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IN THE MATTER OF: DAVID A. ROURKE SR. )  
\_\_\_\_\_)

FILE NO. 0600397

**ORDER OF DENIAL**

TO THE RESPONDENT:           David A. Rourke Sr.  
  (CRD#: 2089364)  
  32 Willow Street  
  Wellesley, Massachusetts 02494

  C/o QA3 Financial Corp.  
  One Valmont Plaza, 4th Floor  
  Omaha, Nebraska 68154-5203

WHEREAS, a Summary Order of Denial was issued by the Secretary of State on August 17, 2006, which denied David A. Rourke Sr.'s (the "Respondent") application for registration as a salesperson in the State of Illinois until further order from the Secretary of State.

WHEREAS, pursuant to Section 11F 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 a Summary Order shall constitute an admission of any facts alleged therein and constitute a sufficient basis to make the Summary Order final.

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

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

1. That on August 19, 2005 NASD entered a Letter Of Acceptance, Waiver And Consent (AWC) submitted by the Respondent regarding File No. E0420040097-01, which sanctioned the Respondent as follows:

- a. suspension from association with any NASD member in any capacity for ten business days; and
  - b. \$7,500 fine.
2. That the AWC found: Unsuitable Recommendations in violation of NASD Conduct Rules 2310 and 2110 The Respondent recommended the purchase of Class B mutual fund shares to five customers from July 2002 through March 2004. These customers followed the Respondent's recommendations and purchased \$1,225,739 of Class B shares.
  - a. The Respondent made these recommendations without having reasonable grounds to believe that the Class B shares, as opposed to Class A shares, were suitable for these customers. Had the customers instead purchased Class A shares, they would have:
    - (i) received breakpoints to reduce the cost of the front-end sales charges imposed on purchases of Class A shares;
    - (ii) paid lower on-going expenses for Class A shares versus those for Class B shares; and
    - (iii) avoided potential contingent deferred sales charges imposed on any sales of Class B shares within six to seven years of the date of purchase. For these reasons, the Respondent's recommendations to purchase Class B shares were unsuitable. B. Such acts, practices and conduct constitute separate and distinct violations of NASD Conduct Rules 2110 and 2310 by the Respondent.
3. That Section 8.E(1)(j) of the Act provides, inter alia, that the registration of a salesperson may be denied if the Secretary of State finds that such salesperson has been suspended by any self-regulatory organization registered under the Federal 1934 Act or the Federal 1974 Act arising from any fraudulent or deceptive act or a practice in violation of any rule, regulation or standard duly promulgated by the self-regulatory organization.
4. That the NASD is a self-regulatory organization as specified in Section 8.E(1)(j) of the Act.


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5. That by virtue of the foregoing, the Respondent's registration as a salesperson in the State of Illinois is subject to denial pursuant to Section 8.E(1)(j) of the Act.

NOW IT IS HEREBY ORDERED THAT: David A. Rourke's application for registration as a salesperson in the State of Illinois is DENIED.

ENTERED: This 26<sup>th</sup> day of September 2006.

  
JESSE WHITE  
Secretary of State  
State of Illinois

NOTICE: 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 Act( 14 Ill. Admin. Code, Ch. 1., Sec. 130.1123). Any action for judicial review must be commenced within thirty-five days from the date a copy of this Order is served upon the party seeking review.