

STATE OF ILLINOIS  
SECRETARY OF STATE  
SECURITIES DEPARTMENT

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IN THE MATTER OF: BRIAN E. McLAIN )  
\_\_\_\_\_) )

FILE NO. 0700396

CONSENT ORDER OF REVOCATION

TO THE RESPONDENT: Brian E. McLain  
(CRD#1646092)  
8542 W. Berry Lane  
Tinley Park, Illinois 60477

WHEREAS, Respondent on the 31<sup>st</sup> day of December, 2007 executed a certain Stipulation to Enter Consent Order of Revocation (the "Stipulation"), which hereby is incorporated by reference herein.

WHEREAS, by means of the Stipulation, Respondent has admitted to the jurisdiction of the Secretary of State and service of the Notice of Hearing of the Secretary of State, Securities Department, dated September 21, 2007 in this proceeding (the "Notice") and Respondent has consented to the entry of this Consent Order of Revocation ("Consent Order").

WHEREAS, by means of the Stipulation, the Respondent acknowledged, without admitting or denying the truth thereof, that the following allegations contained in the Notice of Hearing shall be adopted as the Secretary of State's Findings of Fact:

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 March 9, 2006.
2. That on June 15, 2007, NASD entered a Letter Of Acceptance, Waiver And Consent (AWC) submitted by the Respondent regarding FILE NO. 2006004686701, which imposed the following sanctions upon the Respondent:
  - a. 12-month suspension from association in any capacity with any member of NASD; and

- b. fined \$10,000.
3. That the AWC found:
  - a. From approximately January 2002 through March 2005, the Respondent signed the names of approximately seven customers, without written authorization, on documentation that required customer signatures, including annuity withdrawal requests; and forms for customer information, the acknowledgment of insurance policy delivery, and request to transfer assets, in violation of NASD Conduct Rule 2110.
  - b. The Respondent willfully failed to disclose material facts that should have been disclosed on his Form U-4 Uniform Application for Securities Industry Registration or Transfer ("Form U-4"), by knowingly failing to file an amendment to the Form U-4 with NASD to disclose within 30 days of each occurrence his filing of a petition for bankruptcy in 2001, three liens and a Small Claims Judgment filed against him from 1999 to 2004, in violation of NASD By-Law Article V, Section 2 and NASD Conduct Rule 2110 and IM 1000-1.
4. That Section 8.E(1)(j) of the Act provides, inter alia, that the registration of a salesperson may be revoked 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.
5. That NASD is a self-regulatory organization as specified in Section 8.E(1)(j) of the Act.
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)(j) and 8.E(3) of the Act.

Consent Order of Revocation

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WHEREAS, by means of the Stipulation Respondent has acknowledged, without admitting or denying the averments, that the following shall be adopted as the Secretary of State's Conclusion of Law:

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.

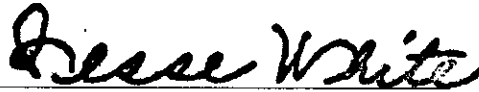
WHEREAS, by means of the Stipulation Respondent has acknowledged and agreed that his registration as a salesperson in the State of Illinois shall be revoked.

WHEREAS, the Secretary of State, by and through his duly authorized representative, has determined that the matter related to the aforesaid formal hearing may be dismissed without further proceedings.

NOW THEREFORE IT SHALL BE AND IS HEREBY ORDERED THAT:

1. The Respondent's registration as a salesperson in the State of Illinois shall be revoked.
2. The formal hearing scheduled on this matter is hereby dismissed without further proceedings.

ENTERED: This 3rd day of January, 2008.



JESSE WHITE  
Secretary of State  
State of Illinois

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