

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

IN THE MATTER OF: DONALD W. KILEY) FILE NO. 0900075
_____)

CONSENT ORDER OF WITHDRAWAL

TO THE RESPONDENT: Donald W. Kiley
(CRD#: 2630201)
822 Jordan Road
Deperre, Wisconsin 54115

Donald W. Kiley
(CRD#: 2630201)
c/o Ausdal Financial Partners, Inc.
220 North Main Street,
Suite # 400
Davenport, Iowa 52801-1921

WHEREAS, Respondent on the 30th day of July 2009 executed a certain Stipulation to Enter Consent Order of Withdrawal (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 April 15, 2009 in this proceeding (the "Notice") and Respondent has consented to the entry of this Consent Order of Withdrawal ("Consent Order").

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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.
2. That on January 5, 2009 FINRA entered Order of Settlement (Order) regarding Disciplinary Proceeding No. 20050033124 which sanctioned the Respondent as follows:
 - a. three month suspension from associating with any FINRA member in any capacity; and
 - b. \$5,000 fine.
3. That the Order found:

Between approximately September 2003 and November 2004, the Respondent received approximately \$20,382.07 in compensation for participating in sales of securities, totaling approximately \$160,601.24, in the form of ten life settlements issued through Mutual Benefits Corporation and ABC Viaticals, Inc. to six public customers of the Member.
4. The Respondent failed to give written notice of his intention to participate in the sales of life settlements to, and failed to receive written approval from, the Member prior to engaging in such activities. Moreover, the Member explicitly prohibited the sale of viaticals and life settlements in its Compliance Manual. The manual provided that "a Representative SHALL NOT refer, recommend, or solicit transactions involving Viatical Life or Senior Life Settlements" (original emphasis).
5. Based on the foregoing, the respondent violated NASD Conduct Rules 2110 and 3040.
6. 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.

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7. That FINRA is a self-regulatory organization as specified in Section 8.E(1)(j) of the Act.
8. That by virtue of the foregoing, the Respondent's registration as a Salesperson in the State of Illinois is subject to revocation pursuant to Section 8.E (1)(j) of the Act.

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:

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

WHEREAS, by means of the Stipulation Respondent has acknowledged and agreed that he shall cause to have his registration as a salesperson in the State of Illinois withdrawn within three (3) days from the entry of this Consent Order and will not re-apply for registration for a period of two (2) years from the entry of this Consent Order.

WHEREAS, by means of the Stipulation Respondent has acknowledged and agreed that he shall be levied costs during the investigation of this matter in the amount of Seven Hundred Fifty Dollars (\$750.00). Said amount is to be paid by certified or cashier's check, made payable to the Office of the Secretary of State, Securities Audit and Enforcement Fund.

WHEREAS, by means of the Stipulation Respondent has acknowledged and agreed that he has submitted with the Stipulation a certified or cashier's check in the amount of Seven Hundred Fifty Dollars (\$750.00) to cover costs incurred during the investigation of this matter. Said check has been made payable to the Office of the Secretary of State, Securities Audit and Enforcement Fund.

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 shall cause to have his registration as a salesperson in the State of Illinois withdrawn within three (3) days from the entry of this Consent Order and will not re-apply for registration for a period of two (2) years from the entry of this Consent Order.
2. The Respondent is levied costs of investigation in this matter in the amount of Seven Hundred Fifty Dollars (\$750.00), payable to the

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Office of the Secretary of State, Securities Audit and Enforcement Fund, and on 2009 has submitted Seven Hundred Fifty dollars (\$750.00) in payment thereof.

3. The formal hearing scheduled on this matter is hereby dismissed without further proceedings.

ENTERED This 4th day of August 2009.



JESSE WHITE
Secretary of State
State of Illinois

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