

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 69277 / April 2, 2013

ACCOUNTING AND AUDITING ENFORCEMENT
Release No. 3450 / April 2, 2013

ADMINISTRATIVE PROCEEDING
File No. 3-14201

In the Matter of _____ : ORDER GRANTING APPLICATION FOR
Eric J. Bur, CPA : REINSTATEMENT TO APPEAR AND PRACTICE
: BEFORE THE COMMISSION AS AN ACCOUNTANT
: RESPONSIBLE FOR THE PREPARATION OR
: REVIEW OF FINANCIAL STATEMENTS REQUIRED
: TO BE FILED WITH THE COMMISSION

On January 20, 2011, Eric J. Bur, CPA (“Bur”) was suspended from appearing or practicing before the Commission as an accountant as a result of settled public administrative proceedings instituted by the Commission against Bur pursuant to Rule 102(e)(3)(i) of the Commission's Rules of Practice.¹ Bur consented to the entry of the order without admitting or denying the findings therein but for the Commission’s finding that a final judgment and permanent injunction and other relief had been previously entered against him. This order is issued in response to Bur’s application for reinstatement to appear and practice before the Commission as an accountant responsible for the preparation or review of financial statements required to be filed with the Commission.

The Commission’s Complaint alleged, among other things, that from at least 2002 to 2007, while Bur was employed as the Chief Financial Officer of NIC Inc. (“NIC”), the company’s Chief Executive Officer received more than \$1.18 million in undisclosed perquisites. Bur had responsibility, along with NIC’s Chief Accounting Officer, for NIC’s internal controls, books and records, and executive compensation disclosures in public filings. Bur was informed that the CEO was not submitting documentation supporting a business purpose for his expenses as required by NIC’s policies and a subordinate raised his concerns to Bur that some of the CEO’s expenses were not business related. However, Bur permitted NIC to pay the CEO’s expenses, which caused NIC’s books, records and accounts to falsely characterize the CEO’s perquisites as business expenses. In addition, the Complaint alleged that Bur was aware of the Commission’s rules requiring the

¹ See Accounting and Auditing Enforcement Release No. 3233 dated January 20, 2011. Bur was permitted, pursuant to the order, to apply for reinstatement after one year upon making certain showings.

disclosure of perquisites in proxy statements and annual reports, yet he reviewed, signed, and/or certified NIC's filings with the Commission for 2002 through 2006, which failed to disclose the CEO's perquisites and contained false statements concerning the CEO's compensation. As a result, Bur violated Rules 13a-14 and 13b2-1 under the Securities Exchange Act of 1934 ("Exchange Act"), and aided and abetted violations of Sections 13(a), 13(b)(2)(A), 13(b)(2)(B), and 14(a) of the Exchange Act and Rules 12b-20, 13a-1, 14a-3, and 14a-9 thereunder.

In his capacity as a preparer or reviewer, or as a person responsible for the preparation or review, of financial statements of a public company to be filed with the Commission, Bur attests that he will undertake to have his work reviewed by the independent audit committee of any company for which he works, or in some other manner acceptable to the Commission, while practicing before the Commission in this capacity. Bur is not, at this time, seeking to appear or practice before the Commission as an independent accountant. If he should wish to resume appearing and practicing before the Commission as an independent accountant, he will be required to submit an application to the Commission showing that he has complied and will comply with the terms of the original suspension order in this regard. Therefore, Bur's suspension from practice before the Commission as an independent accountant continues in effect until the Commission determines that a sufficient showing has been made in this regard in accordance with the terms of the original suspension order.

Rule 102(e)(5) of the Commission's Rules of Practice governs applications for reinstatement, and provides that the Commission may reinstate the privilege to appear and practice before the Commission "for good cause shown."² This "good cause" determination is necessarily highly fact specific.

On the basis of information supplied, representations made, and undertakings agreed to by Bur, it appears that he has complied with the terms of the January 20, 2011 order suspending him from appearing or practicing before the Commission as an accountant, that no information has come to the attention of the Commission relating to his character, integrity, professional conduct or qualifications to practice before the Commission that would be a basis for adverse action against him pursuant to Rule 102(e) of the Commission's Rules of Practice, and that Bur, by undertaking to have his work reviewed by the independent audit committee of any company for which he works, or in some other manner acceptable to the Commission, in his practice before the Commission as a preparer or reviewer of financial statements required to be filed with the Commission, has shown good cause for reinstatement. Therefore, it is accordingly,

² Rule 102(e)(5)(i) provides:

"An application for reinstatement of a person permanently suspended or disqualified under paragraph (e)(1) or (e)(3) of this section may be made at any time, and the applicant may, in the Commission's discretion, be afforded a hearing; however, the suspension or disqualification shall continue unless and until the applicant has been reinstated by the Commission for good cause shown." 17 C.F.R. § 201.102(e)(5)(i).

ORDERED pursuant to Rule 102(e)(5)(i) of the Commission's Rules of Practice that Eric J. Bur, CPA is hereby reinstated to appear and practice before the Commission as an accountant responsible for the preparation or review of financial statements required to be filed with the Commission.

By the Commission.

Elizabeth M. Murphy
Secretary