

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 80572 / May 2, 2017

ADMINISTRATIVE PROCEEDING
File No. 3-17961

In the Matter of

DAVID MICHAEL BURKE,

Respondent.

**ORDER INSTITUTING
ADMINISTRATIVE PROCEEDINGS
PURSUANT TO SECTION 15(b) OF THE
SECURITIES EXCHANGE ACT OF 1934,
MAKING FINDINGS, AND IMPOSING
REMEDIAL SANCTIONS**

I.

The Securities and Exchange Commission (“Commission”) deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted pursuant to Section 15(b) of the Securities Exchange Act of 1934 (“Exchange Act”) against David Michael Burke (“Respondent”).

II.

In anticipation of the institution of these proceedings, Respondent has submitted an Offer of Settlement (the “Offer”) which the Commission has determined to accept. Solely for the purpose of these proceedings and any other proceedings brought by or on behalf of the Commission, or to which the Commission is a party, and without admitting or denying the findings herein, except as to the Commission’s jurisdiction over him and the subject matter of these proceedings and the findings contained in paragraph III.C., below, which are admitted, Respondent consents to the entry of this Order Instituting Administrative Proceedings Pursuant to Section 15(b) of the Securities Exchange Act of 1934 , Making Findings, and Imposing Remedial Sanctions (“Order”), as set forth below.

III.

On the basis of this Order and Respondent's Offer, the Commission finds that:

A. Burke was a registered representative for a Commission-registered broker-dealer from at least October 2011 through November 2014. Burke was also the managing member and chief control person of Komak Investments, LLC ("Komak"), an unregistered broker-dealer based in South Carolina. Burke, age 56, resides in Charleston, South Carolina.

B. On September 9, 2015, the South Carolina Securities Commission issued an administrative cease-and-desist order against Burke and Komak (the "C&D Order"). The C&D Order found that between 2013 and 2014 Burke offered and/or sold unregistered securities in the form of investment contracts in violation of the South Carolina Securities Act and made misrepresentations to an investor about his/her investments regarding Burke's trading strategies and the payment of investment returns. The C&D Order also found that Burke provided the investor with fabricated documents that purported to report results of trading activities. The C&D Order required Burke to cease-and-desist from transacting business within the State of South Carolina in violation of the South Carolina Securities Act. (In the Matter of David Michael Burke and Komak Investments, LLC; South Carolina Securities Commission Administrative Order File No. 15008.)

C. On or about December 10, 2015, Burke agreed to resolve the order by entering into a Consent Order whereby he was ordered to continue to cease and desist from engaging in acts set forth in the C&D Order. The Consent Order also permanently barred Burke from participating in any aspect of the securities industry in or from the State of South Carolina. It further ordered Burke jointly and severally with Komak, to pay a civil penalty in the amount of \$5,000 to the South Carolina Securities Division.

IV.

In view of the foregoing, the Commission deems it appropriate and in the public interest to impose the sanctions agreed to in Respondent Burke's Offer.

Accordingly, it is hereby ORDERED pursuant to Section 15(b)(6) of the Exchange Act, that Respondent Burke be, and hereby is barred from association with any broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization; and

Pursuant to Section 15(b)(6) of the Exchange Act Respondent Burke be, and hereby is barred from participating in any offering of a penny stock, including: acting as a promoter, finder, consultant, agent or other person who engages in activities with a broker, dealer or issuer for purposes of the issuance or trading in any penny stock, or inducing or attempting to induce the purchase or sale of any penny stock.

Any reapplication for association by the Respondent will be subject to the applicable laws and regulations governing the reentry process, and reentry may be conditioned upon a number of factors, including, but not limited to, the satisfaction of any or all of the following: (a) any disgorgement ordered against the Respondent, whether or not the Commission has fully or partially waived payment of such disgorgement; (b) any arbitration award related to the conduct that served as the basis for the Commission order; (c) any self-regulatory organization arbitration award to a customer, whether or not related to the conduct that served as the basis for the Commission order; and (d) any restitution order by a self-regulatory organization, whether or not related to the conduct that served as the basis for the Commission order.

By the Commission.

Brent J. Fields
Secretary