

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 83598 / July 6, 2018

ADMINISTRATIVE PROCEEDING
File No. 3-18573

In the Matter of

DANIEL BURGESS,

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 Daniel Burgess (“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, Respondent admits the Commission’s jurisdiction over him and the subject matter of these proceedings, and the findings contained in paragraph III.2 below, and consents to the entry of this Order Instituting Administrative Proceedings Pursuant to Section 15(b) of the Securities and 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:

1. Burgess was the sole officer and shareholder of Tucker Financial Services, Inc ("Tucker Financial"), an unregistered broker-dealer. Burgess, 51 years old, is a resident of Stowe, Vermont.

2. On February 22, 2018, Burgess pled guilty to one count of wire fraud in violation of Title 18 United States Code, Section 1343, before the United States District Court for the District of Vermont, in *USA v. Daniel Burgess*, Crim. No. 5:16-cr-146.

3. The count in the criminal indictment to which Burgess pled guilty alleged, inter alia, that Burgess and Tucker Financial entered into an agreement with a shareholder of a company called Respect Your Universe, Inc. (a/k/a RYU Apparel, Inc.) to sell 520,000 shares of her stock in that company using best efforts to obtain the highest price. Under their agreement, Burgess would be entitled to 20% of the proceeds of the sale. Following the sale of all the shares between August 1, 2011 and October 31, 2011 for a total of \$619,696.54, Burgess returned only \$246,788.92 to the shareholder (slightly less than 40%) and fraudulently converted the other 40% (\$248,968.31) owed to the investor under their agreement.

4. A Preliminary Order of Forfeiture was entered directing Burgess to pay \$248,000, which will become final as part of his sentence.

IV.

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

Accordingly, it is hereby ORDERED pursuant to Section 15(b)(6) of the Exchange Act, that Respondent Burgess 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 Burgess 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