

**UNITED STATES OF AMERICA**  
**before the**  
**SECURITIES AND EXCHANGE COMMISSION**

**SECURITIES EXCHANGE ACT OF 1934**  
**Release No. 63743 / January 20, 2011**

**ACCOUNTING AND AUDITING ENFORCEMENT**  
**Release No. 3233 / January 20, 2011**

**ADMINISTRATIVE PROCEEDING**  
**File No. 3-14201**

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<b>In the Matter of</b>	:	<b>ORDER INSTITUTING</b>
	:	<b>ADMINISTRATIVE</b>
<b>ERIC J. BUR, CPA,</b>	:	<b>PROCEEDINGS PURSUANT TO RULE</b>
	:	<b>102(e) OF THE COMMISSION’S RULES</b>
<b>Respondent.</b>	:	<b>OF PRACTICE, MAKING FINDINGS,</b>
	:	<b>AND IMPOSING REMEDIAL</b>
	:	<b>SANCTIONS</b>
	:	

**I.**

The Securities and Exchange Commission (“Commission”) deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted against Eric J. Bur (“Respondent” or “Bur”) pursuant to Rule 102(e)(3)(i) of the Commission’s Rules of Practice.<sup>1</sup>

<sup>1</sup> Rule 102(e)(3)(i) provides, in relevant part, that:

The Commission, with due regard to the public interest and without preliminary hearing, may, by order, . . . suspend from appearing or practicing before it any . . . accountant . . . who has been by name . . . permanently enjoined by any court of competent jurisdiction, by reason of his or her misconduct in an action brought by the Commission, from violating or aiding and abetting the violation of any provision of the Federal securities laws or of the rules and regulations thereunder.

## 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 Section III.3. below, which are admitted, Respondent consents to the entry of this Order Instituting Administrative Proceedings Pursuant to Rule 102(e) of the Commission’s Rules of Practice, 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. Bur, age 49, was licensed to practice as a CPA in North Carolina starting in 1987, until that license was forfeited in 1988. He was also licensed to practice as a CPA in Missouri starting in 1988, and in Kansas starting in 1994, but these licenses lapsed. Bur’s certificate status in Kansas is currently active. He served as Chief Financial Officer (“CFO”) of NIC Inc. (“NIC”) from April 2001, until June 2007. Bur also was a member of NIC’s disclosure committee.

2. NIC, Inc. was, at all relevant times, a Colorado corporation with its principal place of business in Kansas. NIC was engaged in the business of developing and managing web sites, online services, and secure payment processing systems for state, local, and federal government agencies. At all relevant times, NIC’s common stock was registered under Section 12(g) of the Securities Exchange Act of 1934 (“Exchange Act”), and traded on the NASDAQ Global Select Market.

3. On January 12, 2011, the Commission filed a complaint against Bur in Securities and Exchange Commission v. NIC Inc., et al., Civil No. 2:11-cv-02016 (EFM-JPO) (D. Kansas). On January 18, 2011, the court entered a final judgment permanently enjoining Bur, by consent, from future violations of Exchange Act Rules 13a-14 and 13b2-1, and aiding and abetting 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. Bur was also ordered to pay a \$75,000 civil money penalty.

4. The Commission’s Complaint alleged, among other things, that NIC’s former CEO (the “CEO”) received more than \$1.18 million in undisclosed perquisites from at least 2002 to 2007. The Complaint alleged that Bur, NIC’s CFO and a member of NIC’s disclosure committee, had responsibility, along with NIC’s Chief Accounting Officer, for NIC’s internal controls, books and records, and executive compensation disclosures in public filings. The Complaint alleged that Bur was informed that the CEO was not submitting documentation supporting a business purpose for his expenses as required by NIC’s policies. The Complaint alleged that a subordinate raised concerns to Bur that some of the CEO’s expenses were not

business related. The Complaint alleged that 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 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.

#### IV.

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

Accordingly, it is hereby ORDERED, effective immediately, that:

A. Bur is suspended from appearing or practicing before the Commission as an accountant.

B. After one year from the date of this Order, Respondent may request that the Commission consider his reinstatement by submitting an application (attention: Office of the Chief Accountant) to resume appearing or practicing before the Commission as:

1. a preparer or reviewer, or a person responsible for the preparation or review, of any public company's financial statements that are filed with the Commission. Such an application must satisfy the Commission that Respondent's work in his practice before the Commission will be reviewed either by the independent audit committee of the public company for which he works or in some other acceptable manner, as long as he practices before the Commission in this capacity; and/or

2. an independent accountant. Such an application must satisfy the Commission that:

(a) Respondent, or the public accounting firm with which he is associated, is registered with the Public Company Accounting Oversight Board ("Board") in accordance with the Sarbanes-Oxley Act of 2002, and such registration continues to be effective;

(b) Respondent, or the registered public accounting firm with which he is associated, has been inspected by the Board and that that inspection did not identify any criticisms of or potential defects in the Respondent's or the firm's quality control system that would indicate that the Respondent will not receive appropriate supervision;

(c) Respondent has resolved all disciplinary issues with the Board, and has complied with all terms and conditions of any sanctions imposed by the Board (other than reinstatement by the Commission); and

(d) Respondent acknowledges his responsibility, as long as Respondent appears or practices before the Commission as an independent accountant, to comply with all requirements of the Commission and the Board, including, but not limited to, all requirements relating to registration, inspections, concurring partner reviews and quality control standards.

C. The Commission will consider an application by Respondent to resume appearing or practicing before the Commission as an independent accountant provided that his state CPA license is current and he has resolved all other disciplinary issues with the applicable state boards of accountancy. The Commission will consider an application by Respondent to resume appearing or practicing before the Commission as a preparer or reviewer, or a person responsible for the preparation or review, of any public company's financial statements that are filed with the Commission provided that his state CPA license or certificate is current and he has resolved all other disciplinary issues with the applicable state boards of accountancy. However, if state licensure is dependent on reinstatement by the Commission, the Commission will consider an application on its other merits. The Commission's review may include consideration of, in addition to the matters referenced above, any other matters relating to Respondent's character, integrity, professional conduct, or qualifications to appear or practice before the Commission.

By the Commission.

Elizabeth M. Murphy  
Secretary

### Service List

Rule 141 of the Commission's Rules of Practice provides that the Secretary, or another duly authorized officer of the Commission, shall serve a copy of the Order Instituting Administrative Proceedings Pursuant to Rule 102(e) of the Commission's Rules of Practice, Making Findings, and Imposing Remedial Sanctions ("Order"), on the Respondent and his legal agent.

The attached Order has been sent to the following parties and other persons entitled to notice:

Honorable Brenda P. Murray  
Chief Administrative Law Judge  
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