

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 4191/September 26, 2016

ADMINISTRATIVE PROCEEDING
File No. 3-15764

In the Matter of

GARY L. MCDUFF

ORDER REGARDING
TRANSCRIPT CORRECTIONS

The hearing in this proceeding took place on June 15 and 16, 2016, at FCI Beaumont, Texas.

On August 15, 2016, Gary L. McDuff filed a letter that listed his proposed corrections to the hearing transcript. The filed version is missing two pages; a complete version, identified by McDuff as RX 71, was filed as an attachment to McDuff's post-hearing brief on August 26, 2016. On August 29, 2016, McDuff filed a second letter, to which was attached an email on the topic from Division counsel, in which Division counsel concurred with the majority of McDuff's proposed corrections and proposed one correction herself (with which McDuff concurred). And on September 1, 2016, McDuff formally moved to implement his proposed transcript corrections. This order rules on that motion. Although I too concur with most of the proposed changes, some are not appropriate based on the context, the record, and my own recollection. In particular, there are numerous references to "Steven Kaufman" and "Mr. Kaufman" that are phonetically accurate but that consistently misspell the name, which is Stephen Coffman.

The following corrections (other than the spelling of Stephen Coffman's name) are therefore made to the hearing transcript:

| <u>Page:Line(s)</u> | <u>Transcribed Language</u> | <u>Correction</u> |
|---------------------|-----------------------------|--------------------|
| 9:20 | from him | for me |
| 11:20 | I was made | it was made |
| 11:20 | aware everybody | aware to everybody |
| 13:4 | assist you | assist me |
| 17:11 | fit | find |
| 19:2 | they | they're |
| 19:3 | proper | properly |
| 19:6 | about | without |

| <u>Page:Line(s)</u> | <u>Transcribed Language</u> | <u>Correction</u> |
|---------------------|-----------------------------|-------------------|
| 21:11 | wear | swear |
| 34:1 | “FB 11” | “SB-11” |
| 34:21 | description | subscription |
| 44:10 | CEP | SEP |
| 52:17 | where | with |
| 86:10 | Pfizer | Fiserv |
| 88:10 | viable | available |
| 99:3 | Dominic | Dominica |
| 99:11 | Dominic | Dominica |
| 106:19-20 | the property | there properly |
| 108:18 | Diaz | de’Ath |
| 109:14 | Diaz | de’Ath |
| 111:21 | there | that |
| 125:20 | discrete | [no change] |
| 133:15 | thanks for shopping | [no change] |
| 145:6 | \$50,000 | \$500,000 |
| 148:6 | \$50,000 | \$500,000 |
| 159:4 | 67 | 7 |
| 162:5 | Cagle | Cadle |
| 162:24 | We | You |
| 162:24 | Cagle | Cadle |
| 163:4 | Cagle | Cadle |
| 163:20 | Cagle | Cadle |
| 165:1 | Cagle | Cadle |
| 165:2 | Cagle’s | Cadle’s |
| 165:25 | Cagle | Cadle |
| 166:7 | a OPACIAL case | an apostille page |
| 166:8 | OPACIAL | an apostille |
| 166:16 | OPACIAL | apostille |
| 166:21 | OPACIAL | apostille |
| 166:24 | moving to vacate | to authenticate |
| 167:14 | Cagle | Cadle |
| 168:6 | Cagle | Cadle |
| 168:23 | OPACIAL | apostille |
| 169:5 | OPACIAL | apostille |
| 170:24 | details | days |
| 172:3 | Corporation | [no change] |
| 187:6 | declaration | deposition |
| 187:14 | this is all this came from | [no change] |
| 189:15 | Cagle | Cadle |
| 191:13 | MS. FRANK | MR. MCDUFF |
| 191:20 | MS. FRANK | MR. MCDUFF |
| 195:11 | themselves | [no change] |
| 195:17 | one of particular | one particular |

| <u>Page:Line(s)</u> | <u>Transcribed Language</u> | <u>Correction</u> |
|---------------------|-----------------------------|-------------------|
| 201:22 | conclude | including |
| 207:24 | servicing | serving |
| 208:20 | product | property |
| 210:5 | Cagles | Cadles |
| 212:1 | haven't | have |
| 212:6 | stump | stamp |
| 222:5 | Trickle | Tringham |
| 227:22 | MS. FRANK | MR. MCDUFF |
| 236:14 | he can be | [no change] |
| 238:6 | Megafund | We |
| 240:11 | Day/KWROU | de' Ath |
| 262:2 | description | subscription |
| 268:20 | directly | [no change] |
| 276:14 | would | [no change] |
| 277:1 | employment | placement |
| 287:17 | Van Dyke | Bandyke |
| 302:9 | max bank | MexBank |
| 309:20 | future | feature |
| 309:22 | to | [no change] |
| 311:14 | reporting | operating |
| 320:9 | vessels | investors |
| 323:17 | say | stay |
| 335:8 | trailed | traced |
| 345:23 | him | them |
| 360:24 | the people | appeal |
| 363:12 | following | follow-on |
| 363:25 | raided | raised |
| 392:21 | overselling | over the selling |
| 393:24 | MS. FRANK | MR. MCDUFF |
| 396:12 | Series 67 | Series 6, 7 |
| 398:9 | Fund was | Fund II was |
| 402:12 | are named | remain |
| 402:16 | what it is | [no change] |
| 402:18 | sell into | sell it into |
| 402:19 | that their customer base | [no change] |
| 402:23 | management or | management, or |
| 403:10 | Emerge | Emerged |
| 405:9 | Emerge | Emerged |
| 407:11 | Emerge | Emerged |
| 408:5 | Emerge | Emerged |
| 408:7 | de' Ath | Deaton |
| 409:10 | opinion | [no change] |
| 410:1 | refer | rest of |
| 410:22 | de' Ath | Deaton |

| <u>Page:Line(s)</u> | <u>Transcribed Language</u> | <u>Correction</u> |
|---------------------|------------------------------------|----------------------------------|
| 411:2 | de' Ath | Deaton |
| 411:5 | de' Ath's | Deaton's |
| 417:3 | get | did |
| 417:9 | directed | direct |
| 421:21 | or similar | of summer |
| 424:9 | covered | [no change] |
| 426:3 | full | fully |
| 426:20 | Banks | Bank |
| 428:14 | and went | and he went |
| 428:15 | him, | them, |
| 428:16 | this | it |
| 429:24 | age | stage |
| 430:13 | they | [no change] |
| 430:18 ¹ | they | [no change] |
| 430:20 | they | [no change] |
| 431:2 | tell me them that Mr. Lancaster if | tell them that Mr. Lancaster, if |
| 431:3 | earlier | earlier, |
| 432:21 | banks | bank |
| 433:6 | the | their |
| 433:9 | long every | longer |
| 433:24 | engaged in Norman | engaged Norman |
| 434:24 | which | what |
| 434:25 | take | make |
| 435:2 | 42 | 4(2) |
| 437:10 | would | [no change] |
| 439:19 | Trust very soon and | Trust, very soon and |
| 440:3 | firm | fund |
| 440:7 | my | knew |
| 440:21 | questions, you | [no change] |
| 441:18 | You're recovering | You are covering |
| 441:21-22 | I want one | I want – one |
| 444:22 | Mr. de' Ath | [no change] |
| 444:23 | costly expenses | cost and expenses |
| 445:10 | time of the | time of – the |
| 445:17 | could down | down |
| 447:22 | percent or a quarter | percent a quarter |
| 449:9 | affect it | effective |
| 450:25 | go in and | go and |
| 451:11 | phase | phrase |
| 452:8 | I | [no change] |
| 452:23 | investor wanted | investor who wanted |
| 453:6-7 | had held | had been held |

¹ This proposed correction is listed as “430:17” in McDuff’s first letter.

| <u>Page:Line(s)</u> | <u>Transcribed Language</u> | <u>Correction</u> |
|---------------------|--------------------------------|----------------------------------|
| 454:19 | with | about |
| 455:4 | certainly time | certainly no time |
| 464:17 | involved with the bank officer | involved with the bank out there |
| 465:6 | contacted | contact |
| 465:20 | different and that is how | [no change] |
| 467:3 | Oak State | Overseas |
| 467:16 | was tied | [no change] |
| 468:20 | about that | about, that |
| 468:20 | on and | on, and |
| 469:1 | of | an |
| 473:5 | FCC | SEC |
| 477:10 | that enclosing | that, in closing, |
| 478:4 | Cagle | Cadle |
| 478:16 | entered | entering |
| 479:4 | honest | condensed |
| 479:16 | have came that came there me | have that came from me |
| 490:7 | Coco | Foco |
| 490:23 | origins | originating |
| 491:18 | the indictments | of the impediments |
| 492:9 | something was | something that was |
| 493:15 | faking | making |

The court reporter is directed to issue a complete, amended transcript implementing these corrections. The amended transcript should also be provided in electronic format to my office.

SO ORDERED.

Cameron Elliot
Administrative Law Judge