

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 4967/August 10, 2017

ADMINISTRATIVE PROCEEDING
File No. 3-17740

In the Matter of	:	
	:	
AUGUSTINE CAPITAL MANAGEMENT, LLC (f/k/a	:	ORDER
AUGUSTINE CAPITAL MANAGEMENT, INC.),	:	
JOHN T. PORTER, and	:	
THOMAS F. DUSZYNSKI, CPA	:	

The Securities and Exchange Commission instituted this proceeding with an Order Instituting Proceedings (OIP) on December 20, 2016, pursuant to Sections 203(e), 203(f), and 203(k) of the Investment Advisers Act of 1940 and Section 9(b) of the Investment Company Act of 1940. The OIP alleges that Respondents violated and/or willfully aided and abetted and caused violations of the antifraud provisions of the Advisers Act. The hearing, expected to last five days, has been set to commence on October 16, 2017, in Chicago, Illinois, consistent with 17 C.F.R. § 201.200(c). Under consideration are Respondents' August 1, 2017, Motion to Stay Pending Commission Consideration of Offer of Settlement; the Division of Enforcement's August 3, 2017, Opposition; and Respondents' August 4, 2017, Reply.

Respondents represent, and the Division does not deny, that their July 28, 2017, response to the Division's July 24, 2017, draft settlement order and offer, "agree[d] to the sanctions sought by the Division as part of a settlement, including a disgorgement amount, civil money penalties, and bars from association with an investment adviser, broker-dealer, and others." Mot. at 1-2. The Division maintains that a motion to stay is premature because the parties continue to negotiate what it describes as "major terms" of the settlement – "material aspects of any distribution of settlement proceeds to investors, and much of the substance of the proposed findings." Opp. at 1.

A stay pursuant to 17 C.F.R. § 201.161(c)(2) will not be granted at this time. In view of the status of the settlement negotiations – Respondents have agreed to 100% of the sanctions that the Division sought – and consistent with 17 C.F.R. § 201.161(a), the August 11, 2017, date for the parties to exchange and file witness and exhibit lists will be postponed to August 18, 2017. The parties have made good progress toward achieving a settlement, but are cautioned that additional postponements may not be consistent with the timeline set forth in 17 C.F.R. § 201.360.

IT IS SO ORDERED.

/s/ Carol Fox Foelak

Carol Fox Foelak
Administrative Law Judge