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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 5386/December 15, 2017

ADMINISTRATIVE PROCEEDING
File No. 3-18129

In the Matter of:

BRIAN MICHAEL BERGER : ORDER


The parties’ attention is directed to the Commission’s November 30, 2017, order concerning administrative proceedings. Pending Admin. Proc., Securities Act of 1933 Release No. 10440, 2017 SEC LEXIS 3724 (Remand Order). The Remand Order ratifies the appointment of the undersigned as an Administrative Law Judge and directs her to “[r]econsider the record, including all substantive and procedural actions taken by an administrative law judge” in proceedings, such as this one, pending before the Commission in which she has issued an initial decision. Examination of the record discloses that the Chief Administrative Law Judge has ratified her designation of the undersigned as the presiding administrative law judge in this proceeding.1 Pursuant to the Remand Order, any party may submit any new evidence relevant to the undersigned’s reexamination of the record by January 5, 2018. If a party submits new evidence, the other party may comment on it by January 19, 2018.

IT IS SO ORDERED.

/S/ Carol Fox Foelak
Carol Fox Foelak
Administrative Law Judge

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