

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

Administrative Proceedings Rulings
Release No. 5395 / December 15, 2017

Administrative Proceeding
File No. 3-15514

In the Matter of

**Donald J. Anthony, Jr.,
Frank H. Chiappone,
Richard D. Feldmann,
William P. Gamello,
Andrew G. Guzzetti,
William F. Lex,
Thomas E. Livingston,
Brian T. Mayer,
Philip S. Rabinovich, and
Ryan C. Rogers**

**Order Regarding
the Securities and Exchange
Commission's Order on Pending
Administrative Proceedings**

On September 23, 2013, the Securities and Exchange Commission issued an order instituting administrative and cease-and-desist proceedings (OIP). Richard D. Feldmann settled with the Commission, and is no longer part of the proceeding. *Donald J. Anthony, Jr.*, Securities Act of 1933 Release No. 9571, 2014 SEC LEXIS 1223 (April 3, 2014). I issued an initial decision on February 25, 2015, as to the other Respondents, and an order on motions to correct manifest error on April 9, 2015. *Donald J. Anthony, Jr.*, Initial Decision Release No. 745, 2015 SEC LEXIS 707; Admin Proc. Rulings Release No. 2528, 2015 SEC LEXIS 1327. The Commission issued a finality order as to Donald J. Anthony, Jr., William P. Gamello, and Ryan C. Rogers on June 17, 2015. *Donald J. Anthony, Jr.*, Securities Act Release No. 9810, 2015 SEC LEXIS 2450. The remaining Respondents petitioned for review.

On November 30, 2017, the Commission remanded this administrative proceeding pending review and directed the assigned administrative law judge to: (1) reconsider the record in the proceeding, including all substantive and procedural rulings; (2) allow the parties to file any new evidence that the

parties deem relevant to the reexamination of the record by January 5, 2018; (3) determine whether to revise or ratify prior rulings; and (4) issue by February 16, 2018, an order on ratification. *Pending Admin. Proc.*, Securities Act Release No. 10440, 2017 SEC LEXIS 3724, <https://www.sec.gov/litigation/opinions/2017/33-10440.pdf>.

Accordingly, I ORDER the parties still part of this proceeding—the Division of Enforcement and Respondents Frank H. Chiappone, Andrew G. Guzzetti, William F. Lex, Thomas E. Livingston, Brian T. Mayer, and Philip S. Rabinovich—to file by January 5, 2018, any new evidence that they consider relevant to my reexamination of the record in this proceeding. Each party may also submit a brief explaining the relevance of its new evidence and identifying any challenged rulings, findings, or conclusions. If any party chooses to submit a brief by January 5, the other parties will have until January 16, 2018, to file responsive briefs.

In addition to the required filing with the Commission Secretary, I ask the parties to email a courtesy copy of their submissions to alj@sec.gov in PDF text-searchable format. Exhibits should be submitted as separate attachments, not as a combined PDF.

Brenda P. Murray
Chief Administrative Law Judge