

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 5399/December 18, 2017

ADMINISTRATIVE PROCEEDING
File No. 3-18165

In the Matter of :
:
GARY YIN : ORDER

The Securities and Exchange Commission instituted this proceeding with an Order Instituting Proceedings on September 11, 2017, pursuant to Sections 15(b) of the Securities Exchange Act of 1934 and 203(f) of the Investment Advisers Act of 1940. The proceeding is a follow-on proceeding based on Respondent Gary Yin’s conviction of conspiracy to commit offenses in *United States v. Yin*, No. 3:13-cr-3488 (S.D. Cal.). The parties have jointly moved for a stay pursuant to 17 C.F.R. § 201.161(c)(2), stating that they have agreed in principle to a settlement on all major terms. Accordingly, the proceeding will be stayed, contingent upon compliance with 17 C.F.R. § 201.161(c)(2).

Additionally, 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 pending proceedings. 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. If the settlement fails, the undersigned will set a date by which such new evidence may be submitted.

IT IS SO ORDERED.

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

¹ See *Gary Yin*, Admin. Proc. Rulings Release No. 5043, 2017 SEC LEXIS 2819 (C.A.L.J. Sept. 12, 2017); *Pending Admin. Proc.*, Admin. Proc. Rulings Release No. 5247, 2017 SEC LEXIS 3780 (C.A.L.J. Dec. 4, 2017) (designating, and ratifying the designation of, the undersigned).