

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

Administrative Proceedings Rulings  
Release No. 6659 / August 23, 2019

Administrative Proceeding  
File No. 3-17352

In the Matter of  
**Saving2Retire, LLC, and  
Marian P. Young**

**Order on Respondents'  
Proposed Record Index  
Corrections**

On August 20, 2019, Respondent Marian P. Young called my office with questions about the record index issued on August 5, 2019. She followed up by email, and the Division of Enforcement replied and objected to two of her three requests. I construe Young's email as proposed corrections to the record index, and I will address each of her points in turn. *See* 17 C.F.R. § 201.351(b).

(1) I permitted Young to submit new evidence with her brief and stated that I would rule on its admissibility as necessary. *Saving2Retire, LLC*, Admin. Proc. Rulings Release No. 6539, 2019 SEC LEXIS 848 (ALJ Apr. 12, 2019). Young wishes to clarify the evidentiary status of an audio recording she submitted with her brief. The Division did not object to the proposed audio exhibit. *See Saving2Retire*, Admin. Proc. Rulings Release No. 6591, 2019 SEC LEXIS 1273, at \*1 (ALJ May 31, 2019) (considering the Division to have waived objections to new evidence offered by Respondents' in their brief). Since the audio recording concerns Young's communications with Securities and Exchange Commission staff regarding the registration of Saving2Retire as an internet investment adviser, it is relevant. *See* 17 C.F.R. § 201.320(a). It is ADMITTED as Respondents' Exhibit 20.

(2) Young states that she requested at a prehearing conference that her proposed corrections to her deposition taken in November 2016 be included as an exhibit, and wishes to know whether I will include the exhibit. I DENY Young's request. Young does not allege errors in transcription, but seek to change her responses to what she believes might have been more accurate answers, which in some instances are the opposite of the answer in the

transcript. Resp. Designations and Objections to Div.'s Designations, at PDF pp. 5-6 (May 24, 2017); see *Thorn v. Sundstrand Aerospace Corp.*, 207 F.3d 383, 389 (7th Cir. 2000) (“a change of substance which actually contradicts the transcript is impermissible unless it can plausibly be represented as the correction of an error in transcription”).

(3) Young notes that a third-party letter received by my office in December 2018 is included in the record index even though I previously ruled I would not consider it, and asks for clarification. The record index includes many things that are not in evidence, such as exhibits that are offered but not admitted. It is a complete record of all of the correspondence in the proceeding maintained by the Office of the Secretary. The letter was properly included as correspondence. I explained in my prior order that the letter is not in evidence, and I will not consider it in my initial decision. *Saving2Retire*, Admin. Proc. Rulings Release No. 6425, 2019 SEC LEXIS 52, at \*3 (ALJ Jan. 31, 2019).

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Brenda P. Murray  
Chief Administrative Law Judge