

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

ADMINISTRATIVE PROCEEDINGS RULINGS

Release No. 4035/August 2, 2016

ADMINISTRATIVE PROCEEDING

File No. 3-15764

In the Matter of

GARY L. MCDUFF

ORDER REGARDING HEARING EXHIBITS

The hearing in this proceeding took place on June 15 and 16, 2016, at FCI Beaumont, Texas.

On July 13, 2016, the Division of Enforcement filed its Final Exhibit List. Although the Final Exhibit List states that the Division is “including new materials on its exhibit list,” the Final Exhibit List appears to list the same 77 exhibits listed and described in the Exhibit List it furnished to Respondent at the hearing. On July 25, 2016, this Office received Respondent’s Objections/Special Exceptions to Division’s Final Exhibit List.

Respondent’s objections are **OVERRULED**. The Final Exhibit List does not appear to contain anything new; it simply lists the 77 Division exhibits that I admitted at the hearing, and that Respondent received from the Division at the hearing. And the weight I should accord any particular exhibit, including any exhibit extracted from Respondent’s criminal case file, is best addressed in the parties’ post-hearing briefing rather than in a stand-alone objection.

On July 27, 2016, this office received a letter from Respondent stating that he has identified “newly discovered evidence from the investigative file” and asserting that this evidence, once copied, “will constitute thousands of pages.” Respondent is **ORDERED** to provide a list of his proposed additional evidence, along with a description of its relevance, on a document-by-document basis, as part of his opening post-hearing brief. Respondent is further **ORDERED** to not file, submit, or furnish to the Division his proposed additional evidence unless ordered to do so.

This office has compiled a draft list of Respondent’s hearing exhibits. That list is attached for the convenience of the parties. The official record index will issue in due course, at which time proposed corrections will be considered pursuant to 17 C.F.R. § 201.351. No objections or corrections to the attached list will be entertained until then.

Cameron Elliot

Administrative Law Judge