

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

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 1400/April 28, 2014

ADMINISTRATIVE PROCEEDING  
File No. 3-15764

In the Matter of

GARY L. MCDUFF

ORDER TAKING OFFICIAL NOTICE  
PURSUANT TO 17 C.F.R. § 201.323

The Securities and Exchange Commission (Commission) issued an Order Instituting Proceedings (OIP) in this proceeding on February 21, 2014, pursuant to Section 15(b) of the Securities Exchange Act of 1934 (Exchange Act), against Gary L. McDuff (McDuff). The OIP alleges that on February 22, 2013, the Commission obtained a default judgment against McDuff, permanently enjoining him from violations of Sections 5(a), 5(c), and 17(a) of the Securities Act of 1933 and Sections 10(b) and 15(a) of the Exchange Act, in SEC v. McDuff, No. 3:08-cv-526-L (N.D. Tex.). OIP at 1-2.

At a March 27, 2014, prehearing conference, I granted the parties leave to file motions for summary disposition and established a briefing schedule. See Gary L. McDuff, Admin. Proc. Rulings Release No. 1341, 2014 SEC LEXIS 1105 (Mar. 27, 2014). The Division of Enforcement and McDuff each filed a motion for summary disposition on April 25, 2014.

According to court records for the U.S District Court for the Eastern District of Texas, in addition to the civil proceeding by the Commission, McDuff was criminally charged with one count of conspiracy to commit wire fraud, 18 U.S.C. § 1349, and one count of laundering of monetary instruments, 18 U.S.C. § 1956(a)(1)(A)(i), in United States v. Reese, No. 4:09-cr-90 (E.D. Tex.) (Reese). A jury convicted McDuff of both counts on March 27, 2013, and a criminal judgment was entered against him on April 17, 2014.

Pursuant to Rule 323 of the Commission's Rules of Practice, I take official notice of the following documents from Reese: 1) the docket sheet; 2) the August 13, 2009, superseding indictment; 3) the March 27, 2013, jury verdict; and 4) the April 17, 2014, criminal judgment. See 17 C.F.R. § 201.323.

SO ORDERED.

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Cameron Elliot  
Administrative Law Judge