

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

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 2193/January 8, 2015

ADMINISTRATIVE PROCEEDING  
File No. 3-16181

In the Matter of

DUNCAN J. MACDONALD, III

ORDER

On September 29, 2014, the Securities and Exchange Commission issued an Order Instituting Administrative Proceedings against Respondent pursuant to Section 15(b) of the Securities Exchange Act of 1934.

I previously extended Respondent's deadline to file an Answer to December 23, 2014. On December 22, 2014, Respondent notified the Division of Enforcement (Division) "that an Answer-Order has been completed, notarized, signed and delivered to the Bureau of Prison (BOP) Mail Service via Inmate Drop Box . . . on Friday, December 19, 2014" but that "BOP mail processing procedures could require several days for outgoing mail . . ." I received Respondent's filing on January 7, 2015. While that filing does not bear the title "Answer" – based on Respondent's correspondence with the Division (which he asked the Division to relay to this Office), and the fact that he is *pro se* – I deem the Respondent's filing as a timely filed Answer, as good cause has been shown for the delay.<sup>1</sup>

The Division and Respondent are encouraged to work together to reach an amicable resolution to this case, and a motion to defer the summary disposition briefing would be well-taken if the parties feel that this action could be resolved by mutually agreeable means.

SO ORDERED.

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Jason S. Patil  
Administrative Law Judge

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<sup>1</sup> To the extent Respondent's Answer contains an offer of settlement, because the Commission disfavors the use of such statements as evidence of liability, the Division should of course not rely on such statements in any summary disposition briefing. *See Robert D. Potts, CPA, Exchange Act Release No. 39126, 1997 SEC LEXIS 2005, at \*46 & n.59 (Sept. 24, 1997) (citing Belton v. Fibreboard Corp., 724 F.2d 500, 505 (5th Cir. 1984)).*