

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

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 2613/April 30, 2015

ADMINISTRATIVE PROCEEDING  
File No. 3-15764

In the Matter of  
  
GARY L. MCDUFF

ORDER DIRECTING SUPPLEMENTAL  
BRIEFING AND ADDITIONAL EVIDENCE

The Securities and Exchange Commission issued an Order Instituting Proceedings on February 21, 2014, pursuant to Section 15(b) of the Securities Exchange Act of 1934. Motions for summary disposition were filed and fully briefed by both the Division of Enforcement and Respondent Gary L. McDuff. On September 5, 2014, I issued an initial decision, granting the Division's motion for summary disposition, denying McDuff's motion for summary disposition, and imposing a collateral bar against McDuff. *Gary L. McDuff*, Initial Decision Release No. 663, 2014 SEC LEXIS 3207. On April 23, 2015, the Commission vacated the initial decision and remanded this proceeding for further development of the record as to whether McDuff had been acting as a broker or dealer at the time of his misconduct and whether the sanctions sought by the Division were in the public interest. *See Gary L. McDuff*, Exchange Act Release No. 74803, 2015 WL 1873119 (Remand Order).

Accordingly, I ORDER the parties to file supplemental briefing and additional evidence pertaining to the issues identified in the Remand Order by Wednesday, June 10, 2015. The Division is on notice, in preparing its supplemental briefing, that if it fails to establish that McDuff acted as a broker or dealer at the time of his misconduct or fails to establish that there is a genuine issue of fact warranting a hearing on such matters, I may grant McDuff's motion for summary disposition and dismiss this proceeding. I construe McDuff's motion for summary disposition, and its attachments, as containing an assertion that he did not act as a broker or dealer because he did not have any "authority to solicit, offer, or sell shares of the Lancorp Fund." McDuff Aff. at 3.

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Cameron Elliot  
Administrative Law Judge