

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 5389/December 15, 2017

ADMINISTRATIVE PROCEEDING
File No. 3-18130

In the Matter of

JEFFREY GAINER

:
:

ORDER

The Securities and Exchange Commission instituted this proceeding with an Order Instituting Proceedings on August 22, 2017, pursuant to Section 15(b) of the Securities Exchange Act of 1934 and Section 203(f) of the Investment Advisers Act of 1940. On November 2, 2017, an Initial Decision Making Findings and Imposing Sanction by Default barred Jeffrey Gainer from the securities industry. *Jeffrey Gainer*, Initial Decision Release No. 1221, 2017 SEC LEXIS 3498 (A.L.J.).

The parties' attention is directed to the Commission's November 30, 2017, order concerning administrative proceedings. *Pending Admin. Proc.*, Securities Act of 1933 Release No. 10440, 2017 SEC LEXIS 3724 (Remand Order). The Remand Order ratifies the appointment of the undersigned as an Administrative Law Judge and directs her to "[r]econsider the record, including all substantive and procedural actions taken by an administrative law judge" in proceedings, such as this one, pending before the Commission in which she has issued an initial decision. Examination of the record discloses that the Chief Administrative Law Judge has ratified her designation of the undersigned as the presiding administrative law judge in this proceeding.¹ Pursuant to the Remand Order, any party may submit any new evidence relevant to the undersigned's reexamination of the record by January 5, 2018. If a party submits new evidence, the other party may comment on it by January 19, 2018.

IT IS SO ORDERED.

/S/ Carol Fox Foelak
Carol Fox Foelak
Administrative Law Judge

¹ See *Jeffrey Gainer*, Admin. Proc. Rulings Release No. 4996, 2017 SEC LEXIS 2610 (C.A.L.J. Aug. 23, 2017); *Pending Admin. Proc.*, Admin. Proc. Rulings Release No. 5247, 2017 SEC LEXIS 3780 (C.A.L.J. Dec. 4, 2017) (designating, and ratifying the designation of, the undersigned).