

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

Administrative Proceedings Rulings
Release No. 5442 / January 10, 2018

Administrative Proceeding
File No. 3-16349

In the Matter of
Barbara Duka

Order Ratifying Prior Actions

The Securities and Exchange Commission remanded this case and directed me to take certain actions.¹ Consistent with the Commission's remand order, I gave the parties "until January 5, 2018 to submit any *new* evidence [they] deem relevant to [my] reexamination of the record."² Counsel for Respondent Barbara Duka informed me that neither party intended to submit new evidence or a brief.³ And the Division of Enforcement filed a letter asking me to ratify my previous decisions in this case.⁴

I have reconsidered the record in this proceeding. Based on that reconsideration, I ADOPT as my own all actions taken by the administrative law judge previously assigned to this case, including each order he issued. Having adopted those actions, I RATIFY all prior actions taken by an

¹ The Commission instructed me to reconsider the record and all prior actions by an administrative law judge, allow the parties to submit any new, relevant evidence, and issue an order ratifying or revising all prior actions. *Pending Admin. Proc.*, Securities Act of 1933 Release No. 10440, 2017 SEC LEXIS 3724, at *2–3 (Nov. 30, 2017).

² *Barbara Duka*, Admin. Proc. Rulings Release No. 5325, 2017 SEC LEXIS 3967, at *1 (ALJ Dec. 7, 2017) (quoting *Pending Admin. Proc.*, 2017 SEC LEXIS 3724, at *3).

³ See Letter from Guy Petrillo (Dec. 20, 2017).

⁴ See Letter from Stephen C. McKenna at 2 (Jan. 5, 2018).

administrative law judge in this proceeding, including each order issued and the initial decision issued on August 29, 2017.⁵ The process contemplated by the Commission's remand order is complete.

James E. Grimes
Administrative Law Judge

⁵ See *Wilkes-Barre Hosp. Co. v. NLRB*, 857 F.3d 364, 371–72 (D.C. Cir. 2017); *CFPB v. Gordon*, 819 F.3d 1179, 1191–92 (9th Cir. 2016).