

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 5459/January 12, 2018

ADMINISTRATIVE PROCEEDING
File No. 3-18288

In the Matter of :
:
LAWRENCE E. PENN, III : ORDER

The Securities and Exchange Commission instituted this proceeding with an Order Instituting Proceedings (OIP) on November 20, 2017, pursuant to Section 203(f) of the Investment Advisers Act of 1940. The proceeding is a follow-on proceeding based on Respondent Lawrence E. Penn, III's, injunction against violating the antifraud provisions of the federal securities laws in *SEC v. Penn*, No. 1:14-cv-0581 (S.D.N.Y. Aug. 22, 2017), and conviction of grand larceny and falsifying business records in violation of New York State law in *People v. Penn*, No. 00073-14 (N.Y. Sup. Ct.). On January 2, 2018, Penn submitted his Answer to the OIP and a motion for a more definite statement, which is pending.

The undersigned has completed the reexamination of the record as ordered by the Commission's November 30, 2017, order concerning administrative proceedings. *See Pending Admin. Proc.*, Securities Act Release No. 10440, 2017 SEC LEXIS 3724 (Remand Order). As the parties were previously notified, the Remand Order ratified the appointment of the undersigned as an administrative law judge and directed her to "[r]econsider the record, including all substantive and procedural actions taken by an administrative law judge" in pending proceedings. *Lawrence E. Penn, III*, Admin. Proc. Rulings Release No. 5270, 2017 SEC LEXIS 3845 (A.L.J. Dec. 5, 2017). Examination of the record of this proceeding discloses that the December 5 order, which scheduled an initial prehearing conference as requested by the parties, was the first action taken by the undersigned, and that it postdated the Chief Administrative Law Judge's December 4, 2017, ratification of her designation of the undersigned as the presiding administrative law judge in this proceeding.¹ Accordingly, it is determined that there are no "actions taken by an administrative law judge" subject to ratification or revision by the undersigned. The process required by the Remand Order has been completed.

/S/ Carol Fox Foelak

Carol Fox Foelak
Administrative Law Judge

¹ *See Lawrence E. Penn, III*, Admin. Proc. Rulings Release No. 5237, 2017 SEC LEXIS 3653 (C.A.L.J. Nov. 20, 2017); *Pending Admin. Proc.*, Admin. Proc. Rulings Release No. 5247 (C.A.L.J. Dec. 4, 2017) (designating, and ratifying the designation of, the undersigned).