

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 6123/October 1, 2018

ADMINISTRATIVE PROCEEDING
File No. 3-15514

In the Matter of

DONALD J. ANTHONY, JR.	:	
FRANK H. CHIAPPONE,	:	
RICHARD D. FELDMANN,	:	
WILLIAM P. GAMELLO,	:	ORDER
ANDREW G. GUZZETTI	:	
WILLIAM F. LEX,	:	
THOMAS E. LIVINGSTON,	:	
BRIAN T. MAYER	:	
PHILIP S. RABINOVICH, and	:	
RYAN C. ROGERS	:	

The Securities and Exchange Commission instituted this proceeding with an Order Instituting Proceedings (OIP), pursuant to Section 8A of the Securities Act of 1933, Sections 15(b) and 21C of the Securities Exchange Act of 1934, Section 203(f) of the Investment Advisers Act of 1940, and Section 9(b) of the Investment Company Act of 1940 on September 23, 2013. Only Frank H. Chiappone, Andrew G. Guzzetti, William F. Lex, Thomas E. Livingston, Brian T. Mayer, and Philip S. Rabinovich (Respondents) remain in the proceeding, following the February 25, 2015, Initial Decision. *See Donald J. Anthony, Jr.*, Securities Act Release No. 9571, 2014 SEC LEXIS (Apr. 3, 2014) (settlement order as to Richard D. Feldmann); Initial Decision Release No. 745, 2015 SEC LEXIS 707 (C.A.L.J. Feb. 25, 2015), *finality order as to Donald J. Anthony, Jr., William P. Gamello, and Ryan C. Rogers*, Exchange Act Release No. 75195, 2015 SEC LEXIS 2450 (June 17, 2015)

Thereafter, the proceeding was stayed: On June 21, 2018, “[i]n light of the Supreme Court’s decision in *Lucia v. SEC*,” 138 S. Ct. 2044 (2018), the Commission stayed all pending administrative proceedings, including this one; the stay was operative through August 22, 2018. *Pending Admin. Proc.*, Securities Act of 1933 Release Nos. 10510, 2018 SEC LEXIS 1490; 10522, 2018 SEC LEXIS 1774 (July 20, 2018). On August 22, 2018, the Commission ended the stay and, as to each affected proceeding, ordered that “respondents be provided with the opportunity for a new hearing in before an ALJ who did not previously participate in the matter” unless the parties expressly agreed to alternative procedures, including agreeing that the proceeding remain with the previous presiding administrative law judge. *Pending Admin. Proc.*,

Securities Act Release No. 10536, 2018 SEC LEXIS 2058, at *2-3. Accordingly, the proceeding was reassigned to the undersigned. *Pending Admin. Proc.*, Admin. Proc. Rulings Release No. 5955, 2018 SEC LEXIS 2264 (C.A.L.J. Sept. 12, 2018).

The remaining six Respondents and the Division of Enforcement should submit a joint proposal for the conduct of further proceedings by November 16, 2018. A party who is unable to agree should submit a separate proposal by that date.

IT IS SO ORDERED.

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