

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 6138/October 3, 2018

ADMINISTRATIVE PROCEEDING
File No. 3-18347

In the Matter of

BRIAN SWEET, CPA

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ORDER

The Securities and Exchange Commission instituted this proceeding with an Order Instituting Proceedings (OIP) on January 22, 2018, pursuant to Sections 4C and 21C of the Securities Exchange Act of 1934 and Rule 102(e) of the Commission's Rules of Practice. The OIP alleges that Respondent engaged in improper professional conduct related to unauthorized disclosures of confidential information from the Public Company Accounting Oversight Board. The OIP, pursuant to Respondent's offer of settlement, imposed various sanctions and ordered additional proceedings to determine what, if any, disgorgement and civil penalties against him are in the public interest. The OIP ordered the hearing on these issues to be convened following the conclusion of *Cynthia Holder, CPA*, Admin. Proc. No. 3-18346. This has not occurred.¹

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 ordered a new hearing in each affected proceeding before an administrative law judge who had not previously participated in the proceeding, 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).

Following the conclusion of the *Holder* proceeding, the parties will be ordered to submit a proposal for the conduct of further proceedings.

IT IS SO ORDERED.

/s/ Carol Fox Foelak

Carol Fox Foelak

Administrative Law Judge

¹ The *Holder* proceeding is stayed pending the resolution of *United States v. Middendorf*, No. 1:18-cr-36 (S.D.N.Y.), a parallel criminal action, on motion of the United States Department of Justice. *Cynthia Holder, CPA*, Admin. Proc. Rulings Release No. 6137 (A.L.J. Oct. 3, 2018).