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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 6139/October 3, 2018

ADMINISTRATIVE PROCEEDING
File No. 3-18414

In the Matter of

EUGENE TERRACCIANO : ORDER

The Securities and Exchange Commission instituted this proceeding with an Order Instituting Proceedings (OIP) on March 28, 2018, pursuant to Sections 15(b) and 21C of the Securities Exchange Act of 1934, 203(f) of the Investment Advisers Act of 1940, and 9(b) of the Investment Company Act of 1940. On July 6, 2018, pursuant to Eugene Terracciano's offer of settlement, the Commission made various findings of fact and conclusions of law and imposed a cease-and-desist order and civil money penalty and ordered additional proceedings to determine what, if any, "remedial action is appropriate in the public interest." *Eugene Terracciano*, Exchange Act Release No. 83604, 2018 SEC LEXIS 1663 (Settlement Order).

On August 22, 2018, in light of *Lucia v. SEC*, 138 S. Ct. 2044 (2018), the Commission ordered a new hearing in each pending 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 of 1933 Release No. 10536, 2018 SEC LEXIS 2058, at *2-3. On September 7, 2018, the parties filed a joint agreement on alternative procedures, including agreeing that the proceeding remain with the undersigned previous presiding administrative law judge, specifying, "Terracciano knowingly and voluntarily waives any and all challenges to these administrative proceedings or any and all orders that may be issued during or at the conclusion of these proceedings, whether before an ALJ, the Commission, or any court, based upon any alleged or actual defect in the appointment of ALJ Foelak."

The parties should now attempt to agree on the manner and method of taking evidence to resolve the remaining issue, including on the basis of declarations, affidavits, transcripts of deposition or investigative testimony, or documentary evidence as well as the facts found in the Settlement Order. They should submit a report by November 2, 2018.

IT IS SO ORDERED.

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