

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 6343/November 19, 2018

ADMINISTRATIVE PROCEEDING
File No. 3-18414

In the Matter of

EUGENE TERRACCIANO

:
:

PREHEARING ORDER

The Securities and Exchange Commission instituted this proceeding with an Order Instituting Proceedings 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 Respondent Eugene Terracciano's offer of settlement, the Commission made various findings of fact and conclusions of law, 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, at *21. A prehearing conference was held today. Nicholas Margida and Daniel Maher, Esqs., appeared on behalf of the Division of Enforcement, and Gregg J. Breitbart, Esq., of Kaufman Dolowich & Voluck LLP, appeared on behalf of Respondent.

As the parties agree, the remaining issues will be resolved according to the following schedule:

December 10, 2018 – the Division files its motion for sanctions.
December 21, 2018 – Respondent files his opposition.
January 7, 2019 – the Division files its reply.
January 24, 2019, at 10:00 a.m. EST – hearing at Commission headquarters in Washington, D.C.

At the hearing, Respondent himself will, if he desires, testify on the sole remaining issue of what, if any, remedial action is appropriate in the public interest, and counsel will present oral arguments, with thirty minutes allotted to each party. Respondent's direct testimony is expected to take approximately thirty minutes, and the Division can cross-examine him. Respondent counsel will advise Division counsel as to the substance of Respondent's proposed testimony, so that the Division can evaluate whether to call one or more rebuttal witnesses. The parties will submit a status report by January 10, 2019.

IT IS SO ORDERED.

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