

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES ACT OF 1933
Release No. 9970 / October 29, 2015

SECURITIES EXCHANGE ACT OF 1934
Release No. 76305 / October 29, 2015

ADMINISTRATIVE PROCEEDING
File No. 3-15973

In the Matter of

TONEY ANAYA,

Respondent.

**ORDER CONCERNING CIVIL PENALTY
AND TERMINATING ADMINISTRATIVE
AND CEASE-AND-DESIST PROCEEDINGS**

I.

The Securities and Exchange Commission (“Commission”) instituted an Order Instituting Administrative and Cease-and-Desist Proceedings Pursuant to Section 8A of the Securities Act of 1933 (“Securities Act”) and Section 15(b) of the Securities Exchange Act of 1934 (“Exchange Act”), Making Findings, and Imposing Remedial Sanctions and a Cease-and-Desist Order and Notice of Hearing against Toney Anaya (“Anaya”) on July 16, 2014 (“Order Instituting Proceedings”).

In anticipation of those proceedings, Anaya submitted an Offer of Settlement in which, among other things, he agreed to additional proceedings in these proceedings to determine what, if any, civil penalties pursuant to Section 8A(g) of the Securities Act and Section 21B(a) of the Exchange Act against him are in the public interest, in light of his cooperation in this matter.

II.

In connection with the anticipated additional proceedings, Anaya has submitted an Offer of Settlement (“Offer”), which the Commission has determined to accept. Solely for the purpose of these proceedings and any other proceedings brought by or on behalf of the Commission, or to which the Commission is a party, and without admitting or denying the findings herein, except as to the Commission’s jurisdiction over him and the subject matter of these proceedings, which are admitted, Anaya consents to the entry of this Order Concerning Civil Penalty and Terminating Administrative and Cease-and-Desist Proceedings (“Order”), as set forth below.

III.

On the basis of this Order and Anaya's Offer, the Commission finds¹ that, in the view of the Division of Enforcement ("Division"), Anaya fully complied with his obligations under a cooperation agreement entered into by him and the Division.

IV.

In view of the foregoing, the Commission deems it appropriate and in the public interest to accept Anaya's Offer.

Accordingly, pursuant to Section 8A of the Securities Act and Section 15(b)(6) of the Exchange Act, it is hereby ORDERED that:

A. These proceedings are terminated.

B. Anaya acknowledges that the Commission is not imposing a civil penalty based upon his substantial cooperation in a Commission investigation and related enforcement action. If at any time following the entry of the Order, the Division obtains information indicating that Anaya knowingly provided materially false or misleading information or materials to the Commission or in a related proceeding, the Division may, at its sole discretion and with prior notice to Anaya, petition the Commission to reopen this matter and seek an order directing that Anaya pay a civil money penalty. Anaya may contest by way of defense in any resulting administrative proceeding whether he knowingly provided materially false or misleading information, but may not: (1) contest the findings in the Order Instituting Proceedings; or (2) assert any defense to liability or remedy, including, but not limited to, any statute of limitations defense.

By the Commission.

Brent J. Fields
Secretary

¹ The findings herein are made pursuant to Anaya's Offer of Settlement and are not binding on any other person or entity in this or any other proceeding.