

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 92106 / June 3, 2021

ADMINISTRATIVE PROCEEDING
File No. 3-15562

In the Matter of	: ORDER PERMITTING ATTORNEY TO
MARK GASARCH, ESQ.,	: RESUME APPEARING AND PRACTICING
Respondent.	: PURSUANT TO RULE 102(e) OF THE
	: THE COMMISSION'S RULES OF
	: PRACTICE
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I.

On October 10, 2013, the Commission instituted this proceeding, pursuant to Rule 102(e)(3) of the Commission's Rules of Practice, and entered an order ("Order") suspending Mark Gasarch Esq. ("Gasarch" or "Respondent") from appearing or practicing before the Commission as an attorney. *See In the Matter of March Gasarch, Esq.*, Admin. Proc. No. 3-15562 (Oct. 10, 2013). The Commission suspended Gasarch as he had been permanently enjoined, by consent, from violating provisions of the federal securities laws in an enforcement action brought by the Commission in the United States District Court for the Southern District of New York ("district court"). The Commission's Order provided for a five year suspension period from the date of the Order, and included a provision allowing Gasarch to petition the Commission for reinstatement at the conclusion of that term upon a showing by Gasarch that he meets certain conditions. This matter is before the Commission on Gasarch's application for reinstatement.

II.

On September 25, 2013, a final judgment was entered against Gasarch, permanently enjoining him from aiding or abetting future violations of Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder, in the civil action entitled *Securities and Exchange Commission v. Petro-Suisse Ltd., et al.*, Civil Action Number 12-CV-6221 (AJN), filed in the United States District Court for the Southern District of New York. The final judgment also ordered Gasarch jointly and severally liable with Petro-Suisse Ltd. ("Petro-Suisse") to pay \$8,370,000 in disgorgement, deemed satisfied by the previous payments made by Petro-Suisse to Petro-Suisse limited partnership investors, and a \$130,000 civil penalty.

III.

By letter to the Commission's Office of the General Counsel, Gasarch applied for reinstatement of the privilege of appearing and practicing before the Commission as an attorney. His application included a certificate of good standing from his state bars and an affidavit addressing the conditions for reinstatement set forth in the Order. He also provided information and a supplemental affidavit at the staff's request about his post-suspension practice and activities. Gasarch has paid the civil penalty imposed on him by the district court. Gasarch has also sworn under penalty of perjury that he has complied with the Order, that he is not subject to any suspension or disbarment as an attorney by a court of the United States or of any state, territory, district, commonwealth, or possession, and that he has not been convicted of a felony or misdemeanor involving moral turpitude as set forth in Rule 102(e)(2) of the Commission's Rules of Practice. Since entry of the Order, no information has come to the attention of the Commission relating to Gasarch's character, integrity, professional conduct, or qualifications to practice before the Commission that would be a basis for denying his application, or that would be a basis for an adverse action against him pursuant to Rule 102(e) of the Commission's Rules of Practice.

IV.

Based on the foregoing, the Commission has determined that it is appropriate to reinstate Gasarch to appear and practice as an attorney before the Commission.

Accordingly, it is **HEREBY ORDERED** that Mark Gasarch., Esq. is reinstated to practice as an attorney before the Commission.

By the Commission.

Vanessa A. Countryman
Secretary