

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 4339 / February 23, 2016

Admin. Proc. File No. 3-15323

In the Matter of
SANDEEP GOYAL

ORDER VACATING BAR ORDER

Sandeep Goyal seeks to vacate a Commission order barring him from association with any broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization.¹ The order was issued pursuant to Section 203(f) of the Investment Advisers Act of 1940² based on a judgment permanently enjoining Goyal from violating certain provisions of the securities laws,³ and Goyal's prior guilty plea to securities law violations.⁴ On October 27, 2015, following the decision in *United States v. Newman*,⁵ an order of nolle prosequi was entered in the criminal proceeding against Goyal,⁶ and on January 14, 2016, the civil judgment against him was vacated.⁷

Goyal argues that the basis for the bar order against him no longer exists, and he requests that it be vacated.⁸ The Division of Enforcement does not oppose Goyal's request.

¹ See *Sandeep Goyal*, Advisers Act Release No. 3607, 2013 WL 1912460, at *2 (May 9, 2013).

² See 15 U.S.C. § 80b-3(f).

³ See Judgment as to Def. Sandeep Goyal, *SEC v. Adondakis*, Case No. 1:12-cv-00409-SAS, ECF No. 83 (S.D.N.Y. Mar. 8, 2013).

⁴ *United States v. Goyal*, Case No. 1:11-cr-935 (S.D.N.Y. information filed Nov. 3, 2011).

⁵ 773 F.3d 438 (2d Cir. 2014).

⁶ See *United States v. Goyal*, Case No. 1:11-cr-935, ECF No. 28 (S.D.N.Y. Oct. 27, 2015).

⁷ Memo. Endorsement, *SEC v. Adondakis*, Case No. 1:12-cv-00409-SAS, ECF No. 126 (S.D.N.Y. Jan. 14, 2016).

⁸ Goyal frames his motion as a request that we “[r]everse the Initial Decision against [him] that has since become the Final Decision” and dismiss this proceeding. We construe his motion as a request to vacate the bar. First, because the bar order was entered in a settled proceeding,

(continued...)

We have held that administrative bar orders will remain in place in the usual case and are vacated only in “compelling circumstances.”⁹ We have found such compelling circumstances where, as here, the basis for the bar imposed has been vacated.¹⁰

In light of the foregoing, IT IS ORDERED that the bar order entered on May 9, 2013, against Sandeep Goyal is hereby vacated.

By the Commission

Brent J. Fields
Secretary

(...continued)

see supra note 1, there is no initial decision or finality order making one effective that could be reversed. Second, because the bar order already became effective, we consider whether it should be vacated, not whether this proceeding should be dismissed. Compare *Todd Newman*, Advisers Act Release No. 4084, 2015 WL 2328705, at *1 (May 15, 2015) (vacating bar order based on judicial developments occurring after its effectiveness) with *Anthony Chiasson*, Advisers Act Release No. 4085, 2015 WL 2328706, at *1 (May 15, 2015) (dismissing proceeding based on same developments where Commission had not entered a final bar order).

⁹ *Linus N. Nwaigwe*, Exchange Act Release No. 69967, 2013 WL 3477085, at *1 (July 11, 2013).

¹⁰ See, e.g., *Newman*, 2015 WL 2328705, at *1 (vacating bar order after underlying criminal conviction was vacated); *Nwaigwe*, 2013 WL 3477085, at *1 (vacating bar where criminal conviction that was the basis for the proceeding was reversed); *Kenneth E. Mahaffy, Jr.*, Exchange Act Release No. 68462, 2012 WL 6608201, at *1 (Dec. 18, 2012) (same).