

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934  
Release No. 92054 / May 27, 2021

INVESTMENT ADVISERS ACT OF 1940  
Release No. 5740 / May 27, 2021

INVESTMENT COMPANY ACT OF 1940  
Release No. 34288 / May 27, 2021

Admin. Proc. File No. 3-18414

IN THE MATTER OF  
EUGENE TERRACCIANO

ORDER REGARDING SUSPENSION

On October 22, 2019, an administrative law judge issued an initial decision in this proceeding.<sup>1</sup> Eugene Terracciano did not file a petition for review of the initial decision, and we chose not to review the decision on our own initiative. Under Commission Rule of Practice 360(d) and as specified in the initial decision here, an initial decision does not become final until the entrance of the order of finality.<sup>2</sup> Therefore, the sanctions in the initial decision here were not effective until a finality notice issued. More than 14 months after the initial decision, on January 4, 2021, we issued a notice that the initial decision had become the final decision of the Commission with respect to Eugene Terracciano (the “Finality Notice”).<sup>3</sup> Accordingly, pursuant to the terms of the initial decision, on that date Terracciano became suspended for twelve months from association with certain regulated entities and from engaging in certain conduct.<sup>4</sup>

<sup>1</sup> *Eugene Terracciano*, Initial Decision Release No. 1388, 2019 WL 5513382 (Oct. 22, 2019).

<sup>2</sup> *See* 17 C.F.R. § 201.360(d) (“The [initial] decision becomes final upon issuance of the [finality] order.”); *Terracciano*, 2019 WL 5513382, at \*4 (“The Initial Decision will not become final until the Commission enters an order of finality.”).

<sup>3</sup> *Eugene Terracciano*, Exchange Act Release No. 90842, 2021 WL 62236 (Jan. 4, 2021). The delay was not attributable to any action of Terracciano’s.

<sup>4</sup> The Finality Notice declared effective the orders contained in the initial decision. The initial decision ordered that: (a) pursuant to Sections 15(b) of the Securities Exchange Act of 1934 and 203(f) of the Investment Advisers Act of 1940, Terracciano is suspended for twelve

Terracciano has now filed a letter requesting that he be deemed to have served his suspension. The record indicates Terracciano has observed the requirements of his twelve-month suspension since at least November 2019 through the present. In this instance internal Commission considerations regarding the issuance of finality notices caused a delay in this matter between the issuance of the initial decision and the issuance of the Finality Notice, which lasted longer than the period of the suspension ordered in the initial decision. Based on these unique facts and circumstances, we therefore exercise our discretion to terminate the sanctions that became effective pursuant to the Finality Notice.<sup>5</sup>

Accordingly, IT IS ORDERED that the sanctions that became effective on Eugene Terracciano pursuant to the Commission's January 4, 2021 Finality Notice are terminated.

By the Commission.

Vanessa A. Countryman  
Secretary

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months from associating with any broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization; (b) pursuant to Section 15(b) of the Securities Exchange Act of 1934, Terracciano is suspended for twelve months from participating in an offering of penny stock, including acting as a promoter, finder, consultant, agent, or other person who engages in activities with a broker, dealer, or issuer for purposes of the issuance or trading in any penny stock, or inducing or attempting to induce the purchase or sale of any penny stock; and (c) pursuant to Section 9(b) of the Investment Company Act of 1940, Terracciano is prohibited for twelve months from serving or acting as an employee, officer, director, member of an advisory board, investment adviser or depositor of, or principal underwriter for, a registered investment company or affiliated person of such investment adviser, depositor, or principal underwriter.

<sup>5</sup> The cease and desist order and civil penalty to which Terracciano previously consented, pursuant to a settlement, remain in effect. *See Eugene Terracciano*, Exchange Act Release No. 83604, 2018 WL 3344228, at \*9 (July 6, 2018).