

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 96987 / February 27, 2023

INVESTMENT ADVISERS ACT OF 1940
Release No. 6248 / February 27, 2023

Admin. Proc. File No. 3-20874

In the Matter of
RICHARD G. DUNCAN

ORDER GRANTING AN EXTENSION OF TIME

The Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) on June 2, 2022, pursuant to Section 15(b) of the Securities Exchange Act of 1934 and Section 203(f) of the Investment Advisers Act of 1940, against Richard G. Duncan (“Respondent”).¹ Because it appeared that there had been no other filings in the proceeding since issuance of the OIP, including as to whether the OIP was served on Respondent, we directed the Division of Enforcement to file a status report concerning service of the OIP on October 26, 2022, and every 28 days thereafter until service was accomplished.²

On February 23, 2023, the Division filed a status report stating that on February 1, 2023, it received authorization from the Commission to file a motion to dismiss this proceeding. The status report requested leave to file such a motion by April 1, 2023, which we construe as a request for an extension of time for the Division to file its next status report regarding service. Under the circumstances, it appears appropriate to grant the Division’s motion for good cause shown and to modify the conditions under which the Division must file additional status reports.³

¹ *Richard G. Duncan*, Exchange Act Release No. 95023, 2022 WL 1905180 (June 2, 2022); *see* 15 U.S.C. §§ 78o(b), 80b-3(f).

² *Richard G. Duncan*, Exchange Act Release No. 96036, 2022 WL 7145360 (Oct. 12, 2022); *see also* *Richard G. Duncan*, Exchange Act Release No. 95591, 2022 WL 3703810 (Aug. 24, 2022).

³ 17 C.F.R. § 201.161.

Accordingly, it is ORDERED that if the Division of Enforcement has not filed a motion to dismiss this proceeding by April 1, 2023, then it shall file a status report concerning service of the OIP or any other developments in the case by April 3, 2023, and every 28 days thereafter until service is accomplished, the Division files a motion to dismiss this proceeding, or further order of the Commission.

The parties' attention is directed to the e-filing requirements in the Rules of Practice.⁴

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman
Secretary

⁴ *Amendments to the Commission's Rules of Practice*, Exchange Act Release No. 90442, 2020 WL 7013370 (Nov. 17, 2020), 85 Fed. Reg. 86,464, 86,474 (Dec. 30, 2020), <https://www.sec.gov/rules/final/2020/34-90442a.pdf>; *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. The amendments impose other obligations such as a redaction and omission of sensitive personal information requirement. *Amendments to the Commission's Rules of Practice*, 85 Fed. Reg. at 86,465–81.