

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 71563 / February 18, 2014

INVESTMENT ADVISERS ACT OF 1940
Release No. 3779 / February 18, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-15754

In the Matter of

MARK ANDREW SINGER,

Respondent.

**ORDER INSTITUTING
ADMINISTRATIVE PROCEEDINGS
PURSUANT TO SECTION 15(b) OF THE
SECURITIES EXCHANGE ACT OF 1934
AND SECTION 203(f) OF THE
INVESTMENT ADVISERS ACT OF 1940,
AND NOTICE OF HEARING**

I.

The Securities and Exchange Commission (“Commission”) deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted pursuant to Section 15(b) of the Securities Exchange Act of 1934 (“Exchange Act”) and Section 203(f) of the Investment Advisers Act of 1940 (“Advisers Act”) against Mark Andrew Singer (“Singer” or “Respondent”).

II.

After an investigation, the Division of Enforcement alleges that:

A. RESPONDENT

From September 2004 to February 2007, Singer was a registered representative associated with Citigroup Global Markets, Inc., a broker-dealer and investment adviser registered with the Commission. Singer, age 48, is a resident of New York.

B. RESPONDENT’S CRIMINAL CONVICTION

1. On January 19, 2011, Singer was convicted of five counts of theft in an amount greater than \$100,000 in violation of Ind. Code § 35-43-4-2(a)(1) before the Marion County (Indiana) Superior Court, in State v. Mark Singer, Cause No. 49G03-0807-FC-167038 (2011). He was

sentenced to serve three years of incarceration at the Indiana Department of Corrections in addition to two years to be served through community corrections. On January 31, 2012, the court modified the sentence, giving him additional credit for confinement prior to sentencing, and reducing his term of incarceration by two years.

2. The theft counts on which Singer was convicted alleged that, in December 2004 and April of 2005, Singer and two co-defendants knowingly exerted unauthorized control over perpetual care trust and/or pre-need trust monies of a corporation, with the intent to deprive the corporation of the value or use of the monies, by unlawfully wiring the funds to third parties. During the time of the alleged misconduct, Singer was associated with Citigroup Global Markets, a broker-dealer and investment adviser registered with the Commission.

III.

In view of the allegations made by the Division of Enforcement, the Commission deems it necessary and appropriate in the public interest that public administrative proceedings be instituted to determine:

A. Whether the allegations set forth in Section II hereof are true and, in connection therewith, to afford Respondent an opportunity to establish any defenses to such allegations; and

B. What, if any, remedial action is appropriate in the public interest against Respondent pursuant to Section 15(b)(6) of the Exchange Act and Section 203(f) of the Advisers Act.

IV.

IT IS ORDERED that a public hearing for the purpose of taking evidence on the questions set forth in Section III hereof shall be convened at a time and place to be fixed, and before an Administrative Law Judge to be designated by further order as provided by Rule 110 of the Commission's Rules of Practice, 17 C.F.R. § 201.110.

IT IS FURTHER ORDERED that Respondent shall file an Answer to the allegations contained in this Order within twenty (20) days after service of this Order, as provided by Rule 220 of the Commission's Rules of Practice, 17 C.F.R. § 201.220.

If Respondent fails to file the directed answer, or fails to appear at a hearing after being duly notified, the Respondent may be deemed in default and the proceedings may be determined against him upon consideration of this Order, the allegations of which may be deemed to be true as provided by Rules 155(a), 220(f), 221(f), and 310 of the Commission's Rules of Practice, 17 C.F.R. §§ 201.155(a), 201.220(f), 201.221(f), and 201.310.

This Order shall be served forthwith upon Respondent personally or by certified mail.

IT IS FURTHER ORDERED that the Administrative Law Judge shall issue an initial decision no later than 210 days from the date of service of this Order, pursuant to Rule 360(a)(2) of the Commission's Rules of Practice.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision of this matter, except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not “rule making” within the meaning of Section 551 of the Administrative Procedure Act, it is not deemed subject to the provisions of Section 553 delaying the effective date of any final Commission action.

By the Commission.

Elizabeth M. Murphy
Secretary