

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 75500 / July 21, 2015

INVESTMENT ADVISERS ACT OF 1940
Release No. 4144 / July 21, 2015

ADMINISTRATIVE PROCEEDING
File No. 3-16698

In the Matter of

AKIS C. ERACLEOUS,

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,
MAKING FINDINGS, AND IMPOSING
REMEDIAL SANCTIONS**

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 Akis C. Eracleous (“Eracleous” or “Respondent”).

II.

In anticipation of the institution of these proceedings, Respondent has submitted an Offer of Settlement (the “Offer”) which the Commission has determined to accept. Solely for the purpose of these proceedings and any other proceedings brought by or on behalf of the Commission, or to which the Commission is a party, Respondent admits the Commission’s jurisdiction over him and the subject matter of these proceedings, and the findings contained in Sections III.2. and III.4. below, and consents to the entry of this Order Instituting Administrative Proceedings Pursuant to Section 15(b) of the Securities Exchange Act of 1934 and Section 203(f)

the Investment Advisers Act of 1940, Making Findings, and Imposing Remedial Sanctions (“Order”), as set forth below.

III.

On the basis of this Order and Respondent’s Offer, the Commission finds that:

1. Eracleous was a registered representative associated with broker-dealers registered with the Commission from at least 1993 through March 19, 2013, and was a registered representative associated with National Planning Corporation, a registered broker-dealer and investment adviser, from December 2008 through March 19, 2013. Eracleous, 48 years old, is a resident of San Diego, California.

2. On June 23, 2015, a judgment was entered by consent against Eracleous, permanently enjoining him from future violations of Section 10(b) of the Exchange Act and Rule 10b-5 thereunder, in the civil action entitled Securities and Exchange Commission v. Michael J. Fefferman, et al., Civil Action No. 3:15-cv-01276-MMA-DHB, in the United States District Court for the Southern District of California.

3. The Commission’s complaint alleged, among other things, that on four separate occasions between March 2009 and April 2012, Eracleous engaged in insider trading. In particular, on each of these occasions, Eracleous purchased Ardea Biosciences, Inc. (“Ardea”) securities, and tipped others, based on tips he received of material, nonpublic information regarding which he knew, recklessly disregarded, or should have known was in violation of a fiduciary duty, or obligation arising from a similar relationship of trust and confidence, to keep the information confidential. The Complaint further alleged that Eracleous shared in the profits of his tippees, who traded in the securities of Ardea.

4. On June 9, 2015, Eracleous pled guilty to one count of conspiracy to commit securities fraud in violation of Title 18 United States Code, Section 371, before the United States District Court for the Southern District of California, in United States v. Chad Wiegand and Akis Eracleous, Crim. Information No. 3:15-cr-01462-DMS.

5. The counts of the criminal information to which Eracleous pled guilty alleged, inter alia, that Eracleous conspired to commit securities fraud. In connection with that plea, Eracleous admitted that from at least March 2009 through April 2012, he obtained material, nonpublic information about Ardea, tipped the material, nonpublic information to co-conspirators, and received a portion of the profits realized from trading in Ardea securities by his co-conspirators.

IV.

In view of the foregoing, the Commission deems it appropriate and in the public interest to impose the sanctions agreed to in Respondent Eracleous’ Offer.

Accordingly, it is hereby ORDERED pursuant to Section 15(b)(6) of the Exchange Act and Section 203(f) of the Advisers Act, that Respondent Eracleous be, and hereby is barred from association with any broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization; and

Pursuant to Section 15(b)(6) of the Exchange Act Respondent Eracleous be, and hereby is barred from participating in any offering of a 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.

Any reapplication for association by the Respondent will be subject to the applicable laws and regulations governing the reentry process, and reentry may be conditioned upon a number of factors, including, but not limited to, the satisfaction of any or all of the following: (a) any disgorgement ordered against the Respondent, whether or not the Commission has fully or partially waived payment of such disgorgement; (b) any arbitration award related to the conduct that served as the basis for the Commission order; (c) any self-regulatory organization arbitration award to a customer, whether or not related to the conduct that served as the basis for the Commission order; and (d) any restitution order by a self-regulatory organization, whether or not related to the conduct that served as the basis for the Commission order.

By the Commission.

Brent J. Fields
Secretary