

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 82691 / February 12, 2018

ADMINISTRATIVE PROCEEDING
File No. 3-18369

In the Matter of

JAY MAC RUST, Esq.,

Respondent.

ORDER OF FORTHWITH SUSPENSION
PURSUANT TO RULE 102(e)(2) OF THE
COMMISSION'S RULES OF PRACTICE

I.

The Securities and Exchange Commission (“Commission”) deems it appropriate to issue an order of forthwith suspension of Jay Mac Rust (“Respondent” or “Rust”) pursuant to Rule 102(e)(2)¹ of the Commission’s Rules of Practice (17 C.F.R. § 200.102(e)(2)).

II.

The Commission finds that:

1. Rust is an attorney previously licensed in the State of Texas.
2. On May 13, 2016, the Commission filed a complaint against Rust in the United States District Court for the Southern District of New York (the “Court”). SEC v. Jay Mac Rust, et al., Case Number 1:16-cv-03573 (S.D.N.Y.). The complaint charged that Rust violated Section 10(b) of the Securities Exchange Act of 1934 (“the Exchange Act”) and Rule 10b-5 thereunder, by participating in a scheme that involved, among other things, the misappropriation of escrowed funds. On November 13, 2017, the Court issued an amended default judgment against Rust that permanently enjoins him from violating Section 10(b) of the Exchange Act and Rule 10b-5 thereunder. The Court also ordered Rust to pay disgorgement in the amount of

¹ Rule 102(e)(2) provides, in relevant part, that “[a]ny attorney who has been suspended or disbarred by a court of the United States or any State . . . shall be forthwith suspended from appearing or practicing before the Commission.”

\$160,706.79, prejudgment interest in the amount of \$31,076.22, and a civil penalty in the amount of \$160,706.79.

3. On September 5, 2017, Rust's license to practice law in Texas was suspended for three years based on violations of attorney disciplinary rules relating to mishandling of client escrow funds and conflicts of interest.

III.

Based upon the foregoing, the Commission finds that Rust has been suspended from the practice of law within the meaning of Rule 102(e)(2) of the Commission's Rules of Practice.

IT IS HEREBY ORDERED that Rust is forthwith suspended from appearing or practicing before the Commission as an attorney pursuant to Rule 102(e)(2) of the Commission's Rules of Practice.

By the Commission.

Brent J. Fields
Secretary