UNITED STATES OF AMERICA Before the SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934 Release No. 84525 / November 2, 2018

ADMINISTRATIVE PROCEEDING File No. 3-18880

:

In the Matter of : ORDER INSTITUTING ADMINISTRATIVE

PROCEEDINGS PURSUANT TO RULE

MARK E. FISHER, Esq., : 102(e) OF THE COMMISSION'S RULES OF

PRACTICE, MAKING FINDINGS, AND IMPOSING REMEDIAL SANCTIONS

Respondent.

:

I.

The Securities and Exchange Commission ("Commission") deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted against Mark E. Fisher ("Respondent" or "Fisher") pursuant to Rule 102(e)(3)(i) of the Commission's Rules of Practice.¹

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, and without admitting or denying the findings

The Commission, with due regard to the public interest and without preliminary hearing, may, by order, . . . suspend from appearing or practicing before it any attorney . . . who has been by name (A) [p]ermanently enjoined by any court of competent jurisdiction, by reason of his or her misconduct in an action brought by the Commission, from violating or aiding and abetting the violation of any provision of the Federal securities laws or of the rules and regulations thereunder; or (B) [f]ound by any court of competent jurisdiction in an action brought by the Commission to which he or she is a party ... to have violated (unless the violation was found not to have been willful) or aided and abetted the violation of any provision of the Federal securities laws or of the rules and regulations thereunder.

¹ Rule 102(e)(3)(i) provides, in relevant part, that:

herein, except as to the Commission's jurisdiction over him and the subject matter of these proceedings, and the findings contained in Section III.2. below, which are admitted, Respondent consents to the entry of this Order Instituting Administrative Proceedings Pursuant to Rule 102(e) of the Commission's Rules of Practice, 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. Fisher, age 54, resides in Boca Raton, Florida. Fisher was a member of the Florida and New York State Bars. Fisher provided advice to individuals and entities regarding compliance with the federal securities laws. Fisher has never held any securities licenses and is not registered with the Commission in any capacity.
- 2. On October 22, 2018, the Commission filed a complaint against Fisher in <u>SEC v. Fisher et al.</u> (Civil Action No. 18-cv-81428), in the United States District Court for the Southern District of Florida. On October 24, 2018, the court entered an order permanently enjoining Fisher by consent, from future violations of Sections 5(a), 5(c), and 17(a) of the Securities Act of 1933, and Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder.
- 3. The Commission's complaint alleged, among other things, that Fisher knowingly participated in a microcap pump-and-dump scheme during which he signed a false opinion letter to facilitate the deposit of certain shares of stock in a publicly-traded company at a brokerage firm, which were then illegally sold. In addition, Fisher received stock pursuant to the false opinion letter, arranged for the issuance of false and misleading press releases and online promotional materials to induce investors to buy the stock, driving up the stock's price and trading volume, and coordinated sales of his stock with the issuance of the false press releases and online promotional materials.

IV.

In view of the foregoing, the Commission deems it appropriate and in the public interest to impose the sanction agreed to in Respondent Fisher's Offer.

Accordingly, it is hereby ORDERED pursuant to Rule 102(e)(3)(i) of the Commission's Rules of Practice, effective immediately, that:

A. Fisher is suspended from appearing or practicing before the Commission as an attorney.

By the Commission.

Brent J. Fields Secretary