

comments@sec.gov. The Commission received no comments on the Proposed Plan during the comment period. On February 21, 2017, the Secretary, pursuant to delegated authority, issued an order approving the Proposed Plan,³ and posted the Plan of Distribution (the “Plan”).

The Plan provides for the distribution of the Fair Fund, plus accumulated interest, less taxes, fees, and expenses (the “Net Fair Fund”)⁴ to the harmed investors according to the methodology set forth in the Plan. All timely submitted claim forms have been processed by the Fund Administrator and all investors whose claims have been denied, in whole or in part, have been notified and provided the opportunity to cure. In recommending the distributable amount of \$27,063,708.73, the Fund Administrator has retained a prudent reserve to pay any taxes, fees and expenses payable in connection with the Fair Fund, as well as a reasonable contingency for potential unforeseen issues.

In accordance with the Plan, the Fund Administrator has submitted a payment file to Commission staff with a reasonable assurances letter as to the completeness and accuracy of the information contained therein. The Commission staff has reviewed the payment file and requests, pursuant to Rule 1101(b)(6) of the Commission’s Rules, 17 C.F.R. § 201.1101(b)(6), that the Commission authorize the transfer of \$27,063,708.73 from the Fair Fund to the Fair Fund’s escrow account at The Huntington National Bank for distribution by the Fund Administrator to the Eligible Claimants in accordance with the Plan.

³ Exchange Act Rel. No. 80070 (Feb. 21, 2017).

⁴ All capitalized terms used herein, but not defined shall have the same meanings ascribed to them in the Plan.

Accordingly, it is hereby ORDERED, that Commission staff shall transfer \$27,063,708.73 from the Fair Fund to the Fair Fund's escrow account at The Huntington National Bank, and the Fund Administrator shall distribute such monies to the Eligible Claimants in accordance with the Plan.

By the Commission.

Vanessa A. Countryman
Secretary