

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934  
Release No. 70149 / August 8, 2013

Admin. Proc. File No. 3-15119

In the Matter of

ADAM HARRINGTON a/k/a ADAM RUKDESCHEL  
and ADAM HARRINGTON RUCKDESCHEL  
40 Bond St., Apt. 5D  
New York, NY 10012

ORDER DISMISSING REVIEW PROCEEDING AND NOTICE OF FINALITY

On April 17, 2013, an administrative law judge issued an initial decision barring respondent Adam Harrington a/k/a Adam Rukdeschel and Adam Harrington Ruckdeschel ("Harrington") from association with any broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization.<sup>1</sup> The law judge based the bar on Harrington's criminal conviction. Harrington was convicted in 2012 of securities fraud, wire fraud, mail fraud, and conspiracy to commit all three offenses.<sup>2</sup>

Harrington timely filed a petition for review on May 7, 2013. Our Office of the General Counsel, pursuant to delegated authority and Rule of Practice 411,<sup>3</sup> issued an order granting his petition for review on May 21, 2013. The order set a briefing schedule requiring that a brief in support of the petition for review be filed by June 20, 2013. In accordance with Rule of Practice 180(c),<sup>4</sup> the order stated that "failure to file a brief in support of the petition may result in dismissal of this review proceeding as to that petitioner."

<sup>1</sup> *Adam Harrington*, Initial Decision Release No. 484, 2013 WL 1655690 (Apr. 17, 2013).

<sup>2</sup> *United States v. Mandell*, No. 1:09-cr-00662 (S.D.N.Y. May 7, 2012).

<sup>3</sup> 17 C.F.R. § 201.411.

<sup>4</sup> 17 C.F.R. § 201.180(c).

Notwithstanding the May 21, 2013 order, Harrington failed to file a brief or request an extension. Harrington has not submitted anything to the Commission since his petition for review. It thus appears that Harrington has abandoned his appeal. Under the circumstances, we find that dismissal is appropriate.<sup>5</sup>

Accordingly, it is ORDERED that this review proceeding be, and it hereby is, dismissed.

We also hereby give notice that the April 17, 2013 initial decision of the administrative law judge has become the final decision of the Commission with respect to Harrington, in accordance with Rule of Practice 360(d)(2).<sup>6</sup> The order contained in that decision barring Harrington from association with any broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization, is hereby declared effective.

By the Commission.

Elizabeth M. Murphy  
Secretary

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<sup>5</sup> See *Markland Techs., Inc.*, Securities Exchange Act Release No. 59476, 2009 WL 586454 (Feb. 27, 2009) (dismissing on Commission's own initiative administrative proceeding where respondent failed to file brief in support of petition for review by deadline and where eighteen days had passed since deadline); *Alex David Shindman*, Exchange Act Release No. 38857, 1997 WL 406206 (July 22, 1997); see also *Apollo Publ'n Corp.*, Securities Act Release No. 8678, 2006 WL 985307 (Apr. 13, 2006) (dismissing proceeding on motion from Division of Enforcement).

<sup>6</sup> 17 C.F.R. § 201.360(d)(2).