

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1250/February 19, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-14630

In the Matter of

DANIEL J. GALLAGHER

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ORDER

The Securities and Exchange Commission instituted this proceeding with an Amended Order Instituting Proceedings (OIP) on October 18, 2013, pursuant to Section 8A of the Securities Act of 1933 and Sections 15(b) and 21C of the Securities Exchange Act of 1934 (Exchange Act). The OIP alleges that Daniel J. Gallagher (Gallagher) violated the antifraud provisions of the securities laws and was convicted of securities fraud and wire fraud in United States v. Gallagher, 2:11-cr-00806 (E.D.N.Y. Apr. 23, 2013).

The Division of Enforcement (Division) has filed a motion for summary disposition, pursuant to 17 C.F.R. § 201.250(a), in accordance with leave granted at the December 5, 2013, prehearing conference. Daniel J. Gallagher, Admin. Proc. Rulings Release No. 1084, 2013 SEC LEXIS 3825 (A.L.J. Dec. 5, 2013). The date set for Gallagher's opposition was February 21, 2014. Id. Gallagher has filed an opposition that raises an issue as to the Division's having made available the investigative file, as required by 17 C.F.R. §§ 201.230, .250. Consideration of the Division's motion for summary disposition and Gallagher's opposition will be suspended until the Division confirms that it has complied with these provisions. See Byron S. Rainer, Exchange Act Release No. 59040 (Dec. 2, 2008), 94 SEC Docket 12093; José P. Zollino, Exchange Act Release No. 51632 (Apr. 29, 2005), 85 SEC Docket 1292.

IT IS SO ORDERED.

/S/ Carol Fox Foelak
Carol Fox Foelak
Administrative Law Judge