

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 5956/September 12, 2018

ADMINISTRATIVE PROCEEDING
File No. 3-18250

In the Matter of :
: :
MARK MEGALLI : NOTICE

The Securities and Exchange Commission instituted this proceeding on October 12, 2017, pursuant to Sections 15(b) of the Securities Exchange Act of 1934 and 203(f) of the Investment Advisers Act of 1940. On May 31, 2018, an Initial Decision (ID) made various findings of fact and conclusions of law and ordered that Respondent Mark Megalli be suspended from association with any investment adviser for a period of twelve months. *Mark Megalli*, Initial Decision Release No. 1253, 2018 SEC LEXIS 1270 (A.L.J.).

On June 21, 2018, “[i]n light of the Supreme Court’s decision in *Lucia v. SEC*,” 138 S. Ct. 2044 (2018), the Commission stayed all pending administrative proceedings, including this one, “effective immediately”; the stay was operative through August 22, 2018. *Pending Admin. Proc.*, Securities Act of 1933 Release Nos. 10510, 2018 SEC LEXIS 1490; 10522, 2018 SEC LEXIS 1774 (July 20, 2018). On August 22, 2018, the Commission ended the stay and ordered a new hearing in each affected proceeding before an administrative law judge who had not previously participated in the proceeding, unless the parties expressly agreed to alternative procedures, including agreeing that the proceeding remain with the previous presiding administrative law judge. *Pending Admin. Proc.*, Securities Act Release No. 10536, 2018 SEC LEXIS 2058, at *2-3. Each party to an affected proceeding was notified of the Commission’s order and reminded of the applicable procedures. *Pending Admin. Proc.*, Admin. Proc. Rulings Release No. 5954, 2018 SEC LEXIS 2072 (C.A.L.J. Aug. 23, 2018).

On September 4, 2018, Respondent Megalli, with the consent of the Division of Enforcement, notified the Chief Administrative Law Judge of the parties’ express agreement to alternative procedures, specifically, that the undersigned continue to serve as the designated administrative law judge and that the May 31, 2018, Initial Decision become effective and serve as the final order of the Commission in this proceeding. In light of the parties’ agreement, no further action by the undersigned is necessary. The undersigned is not authorized to declare the ID final. The Commission may issue a finality order or may order review of the initial decision on its own motion consistent with 17 C.F.R. § 201.360(d)(2).

/s/ Carol Fox Foelak _____
Carol Fox Foelak
Administrative Law Judge