

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 80302 / March 23, 2017

ADMINISTRATIVE PROCEEDING
File No. 3-14982

In the Matter of

**Wells Fargo Brokerage Services,
LLC n/k/a Wells Fargo Securities,
LLC and Shawn Patrick McMurtry**

Respondents.

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**ORDER APPROVING PLAN OF
DISTRIBUTION**

On August 14, 2012, the Commission issued an Order Instituting Administrative and Cease-and-Desist Proceedings Pursuant to Section 8A of the Securities Act of 1933, Section 15(b) of the Securities Exchange Act of 1934, and Section 9(b) of the Investment Company Act of 1940, Making Findings and Imposing Remedial Sanctions and a Cease-and-Desist Order (“Order”)¹ against Wells Fargo Brokerage Services, LLC n/k/a Wells Fargo Securities, LLC (“Wells Fargo”) and Shawn Patrick McMurtry (“McMurtry”) (collectively, the “Respondents”). The Order required Wells Fargo to pay disgorgement of \$65,000.00, prejudgment interest of \$16,571.96, and a civil money penalty of \$6,500,000.00 and required McMurtry to pay a civil money penalty of \$25,000.00. The Order created a Fair Fund pursuant to Section 308(a) of the Sarbanes-Oxley Act of 2002, as amended, for the funds paid by the Respondents and any other funds which may be paid to the Fair Fund through or as the result of related actions (the “Fair Fund”). The Fair Fund is subject to the continuing jurisdiction and control of the Commission and has been invested with the United States Treasury’s Bureau of the Fiscal Service (“BFS”).

¹ Securities Act Rel. No. 9349 (Aug. 14, 2012).

On January 27, 2017, the Commission published a Notice of Proposed Plan of Distribution and Opportunity for Comment (“Notice”)² pursuant to Rule 1103 of the Commission’s Rules on Fair Fund and Disgorgement Plans.³ The Notice advised all interested persons that they may obtain a copy of the proposed Plan of Distribution (“Plan”) from the Commission’s public website, <http://www.sec.gov/litigation/fairfundlist.htm>, or by submitting a written request to Adriene Mixon, Esq., Assistant Chief Litigation Counsel, United States Securities and Exchange Commission, 444 South Flower Street, Suite 900, Los Angeles, CA 90071.

The Notice also advised all persons desiring to comment on the Plan that they could submit their comments, in writing, no later than 30 days from the date of the Notice: (1) by sending a letter to the Office of the Secretary, United States Securities and Exchange Commission, 100 F Street, N.E., Washington, D.C. 20549-1090; (2) by using the Commission’s Internet comment form (<http://www.sec.gov/litigation.admin.shtml>); or, (3) by sending an e-mail to rule-comments@sec.gov. The Commission received no comments on the Plan during the comment period.

The Net Fair Fund⁴ is comprised of \$6,606,571.96 in disgorgement, prejudgment interest, and civil money penalties paid by the Respondents, plus any accumulated interest, less any BFS fees and any federal, state, and local taxes. Wells Fargo is responsible for all reasonable costs and expenses of administering the Fair Fund, including the fees, costs, and expenses of the Fund Administrator and Tax Administrator. The Plan provides for the distribution of the Fair Fund to harmed parties, previously identified by Commission staff, who incurred a net loss.

The Division of Enforcement now requests that the Commission approve the Plan.

² Exchange Act Rel. No. 79888 (Jan. 27, 2017).

³ 17 C.F.R. § 201.1103.

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, pursuant to Rule 1104 of the Commission's Rules on Fair Fund and Disgorgement Plans,⁵ that the Plan is approved.

For the Commission, by its Secretary, pursuant to delegated authority.

Brent J. Fields
Secretary

⁵ 17 C.F.R. § 201.1104.