

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 84058 / September 7, 2018

ADMINISTRATIVE PROCEEDING
File Nos. 3-14191 and 3-14192

In the Matters of	:	
	:	
	:	
BNY Mellon Securities, LLC	:	
	:	
and	:	ORDER DIRECTING SECOND
	:	DISBURSEMENT OF FAIR FUND
	:	
Mark Shaw,	:	
	:	
Respondents.	:	

On January 31, 2013, the Commission published a Notice of Proposed Plan of Distribution and Opportunity for Comment (“Notice”) in connection with these proceedings pursuant to Rule 1103 of the Commission’s Rules on Fair Fund and Disgorgement Plans, 17 CFR § 201.1103.¹ The Notice advised parties that they could obtain a copy of the Proposed Plan of Distribution (“Plan”) at www.sec.gov. The Notice also advised that all persons desiring to comment on the Plan could submit their comments, in writing, within 30 days of the Notice. No comments were received in response to the Notice. On February 28, 2014, the Commission issued an Order Approving Modified Plan of Distribution, Appointing Fund Administrator, and Setting Fund Administrator Bond Amount.²

The Plan provides for the distribution of the disgorgement and civil penalties by Respondents, plus any accumulated interest earned, less any taxes, fees, or expenses incurred in

¹ Exchange Act Rel. No. 68796 (Jan. 31, 2013).

² Exchange Act Rel. No. 71638 (Feb. 28, 2014).

the administration of the Plan (the “Fair Fund”) to investors according to the methodology set forth in the Plan. On September 3, 2014, the Commission issued an order directing the transfer of \$18,265,971.49 from the Fair Fund to Deutsche Bank Trust Company Americas, for distribution to harmed investors, in accordance with the Plan.³

The Fund Administrator has submitted to Commission staff a validated list of payees and their respective payment amounts. The Commission staff has reviewed the validated list and requests that, pursuant to Rule 1101(b)(6) of the Commission’s Rules on Fair Fund Disgorgement Plans, 17 CFR § 201.1101(b)(6), the Commission authorize the transfer of \$6,397,684.65 from the Fair Fund to be added to the remaining \$4,417,940.35 in the Deutsche Bank Trust Company Americas account, for a total of \$10,815,625.00 for the second round distribution in accordance with the Plan.

Accordingly, it is ORDERED that the Commission shall transfer \$6,397,684.65 from the Fair Fund to Deutsche Bank Trust Company Americas, and that the Fund Administrator shall distribute a total of \$10,815,625.00 to investors as provided for in the Plan.

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

Brent J. Fields
Secretary

³ Exchange Act Rel. No. 72962 (Sept. 3, 2014).