## UNITED STATES OF AMERICA before the SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934 Release No. 62383 / June 25, 2010

<b>ADMIN</b>	ISTRATIVE PROCEEDING
File No.	3-13949

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In the Matter of : ORDER INSTITUTING ADMINISTRATIVE

PROCEEDINGS PURSUANT TO RULE

Bruce S. Frank, Esq. : 102(e) OF THE COMMISSION'S RULES OF

PRACTICE, MAKING FINDINGS, AND

Respondent. : IMPOSING REMEDIAL SANCTIONS

: :

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The Securities and Exchange Commission ("Commission") deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted against Bruce S. Frank, Esq. ("Respondent" or "Frank") pursuant to Rule 102(e)(3)(i) of the Commission's Rules of Practice.<sup>1</sup>

I.

II.

In anticipation of the institution of these proceedings, Respondent has submitted an Offer of Settlement (the "Offer") which the Commission has determined to accept. Solely for the

The Commission, with due regard to the public interest and without preliminary hearing, may, by order, . . . suspend from appearing or practicing before it any . . . attorney . . . who has been by name . . . permanently enjoined by any court of competent jurisdiction, by reason of his or her misconduct in an action brought by the Commission, from violating or aiding and abetting the violation of any provision of the Federal securities laws or of the rules and regulations thereunder.

<sup>&</sup>lt;sup>1</sup> Rule 102(e)(3)(i) provides, in relevant part, that:

purpose of these proceedings and any other proceedings brought by or on behalf of the Commission, or to which the Commission is a party, and without admitting or denying the findings herein, except as to the Commission's jurisdiction over him and the subject matter of these proceedings and the findings contained in Section III.2 below, which are admitted, Respondent consents to the entry of this Order Instituting Administrative Proceedings Pursuant to Rule 102(e) of the Commission's Rules of Practice, Making Findings, and Imposing Remedial Sanctions ("Order"), as set forth below

On the basis of this Order and Respondent's Offer, the Commission finds that:

## III.

- 1. Frank, age 53, resides in Blooming Grove, New York. He is and has been an attorney licensed to practice in the State of New York. Frank provided advice to entities regarding compliance with the federal securities laws. In addition, Frank represented two defendants in connection with at least one civil injunctive action brought by the Commission.
- 2. On June 4, 2010 the Commission filed a complaint against Frank in <u>SEC v. Frank</u>, (Civil Action No. 10-cv-04452). On June 10, 2010, the court entered an order permanently enjoining Frank, by consent, from future violations of Section 10(b) of the Securities Exchange Act of 1934 and Rule 10(b)(5) thereunder.
  - 3. The Commission's complaint alleged, among other things, that Frank, in violation of federal securities laws and in connection with the sale of \$2.278 million of securities to approximately 13 investors, promised investors that he, acting as their escrow agent, would pool their funds with other investor funds in a non-depletion account held in Switzerland where the funds would be leveraged to produce promised returns of between 10%-15%. The Complaint further alleged that instead of pooling investor funds in a non-depletion account in Switzerland, the funds were transferred to bank accounts in Hong Kong or used to pay promised interest payments to investors. These funds were never returned to investors.

IV.

In view of the foregoing, the Commission deems it appropriate and in the public interest to impose the sanction agreed to in Respondent Frank's Offer.

Accordingly, it is hereby ORDERED, effective immediately, that:

Frank is suspended from appearing or practicing before the Commission as an attorney.

By the Commission.

Elizabeth M. Murphy Secretary

## Service List

Rule 141 of the Commission's Rules of Practice provides that the Secretary, or another duly authorized officer of the Commission, shall serve a copy of the Order Instituting Administrative Proceedings Pursuant to Rule 102(e) of the Commission 's Rules of Practice, Making Findings, and Imposing Remedial Sanctions ("Order"), on the Respondent and his legal agent.

The attached Order has been sent to the following parties and other persons entitled to notice:

Honorable Brenda P. Murray Chief Administrative Law Judge Securities and Exchange Commission 100 F Street, N.E. Washington, DC 20549-2557

Thomas M. Melton, Esq. Salt Lake Regional Office Securities and Exchange Commission 15 W. South Temple, Suite 1800 Salt Lake City, UT 84101

Bruce S. Frank, Esq. c/o Earl Jay Peck, Esq. Smith Hartvigsen 215 S. State Street, Suite 650 Salt Lake City, UT 84111

Earl Jay Peck, Esq. Smith Hartvigsen 215 S. State Street, Suite 650 Salt Lake City, UT 84111