

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 76152 / October 14, 2015

ADMINISTRATIVE PROCEEDING
File No. 3-13553

In the Matter of

Mary Beth Stevens

Respondent.

**ORDER AUTHORIZING THE TRANSFER
TO THE U.S. TREASURY OF ANY FUNDS
RETURNED TO THE FAIR FUND IN THE
FUTURE, DISCHARGING THE FUND
ADMINISTRATOR, AND TERMINATING
THE FAIR FUND**

ADMINISTRATIVE PROCEEDING
File No. 3-13554

In the Matter of

Paul W. Oliver, Jr.

Respondent.

On July 17, 2009, the Securities and Exchange Commission (“Commission” or “SEC”) issued an Order Instituting Administrative and Cease-and-Desist Proceedings Pursuant to Sections 203(f) and 203(k) of the Investment Advisers Act of 1940, Making Findings and Imposing Remedial Sanctions and a Cease-and-Desist Order against Paul W. Oliver, Jr. (“Oliver Order”)¹ finding that AA Capital Partners, Inc.’s (“AA Capital”) former chairman, Paul W. Oliver, Jr. (“Oliver”), aided and abetted and caused AA Capital’s violations of Sections 206(2) and 206(4) of the Investment Advisers Act of 1940 (“Advisers Act”) and Rule 206(4)-4 thereunder by failing to disclose misappropriations to AA Capital’s clients and by failing to take appropriate action to halt the misappropriations after he learned of them. In the Oliver Order, the Commission ordered Oliver to cease and desist from committing or causing any violations and any future violations of Sections 206(2) and 206(4) of the Advisers Act and Rule 206(4)-4 thereunder, suspended him from association with any investment adviser for twelve months and

¹ Advisers Act Rel. No. 2903 (July 17, 2009).

ordered him to pay disgorgement of \$49,786.44, prejudgment interest of \$7,979.71, and a civil money penalty of \$75,000. The Oliver Order also created a Fair Fund pursuant to Section 308(a) of the Sarbanes-Oxley Act of 2002.

On January 5, 2010, the Commission issued an Order Making Findings and Imposing Remedial Sanctions and a Cease-and-Desist Order Pursuant to Sections 203(f) and 203(k) of the Investment Advisers Act of 1940 against Mary Beth Stevens (“Stevens Order”)² finding that AA Capital’s former chief financial officer and chief compliance officer, Mary Beth Stevens (“Stevens”), aided and abetted and caused AA Capital’s violations of the antifraud and books and record provisions of the Advisers Act. In the Stevens Order, the Commission ordered Stevens to cease and desist from committing or causing any violations and any future violations of Sections 204, 206(1), 206(2) and 206(4) of the Advisers Act and Rules 204-2(a)(1), 204-2(a)(2), 204-2(a)(6), and 206(4)-4 thereunder. Stevens was also barred from associating with any investment adviser and ordered to pay disgorgement of \$79,583.50, prejudgment interest of \$22,472.24, and a civil money penalty of \$50,000. In addition, the Stevens Order held that the civil money penalty may be distributed pursuant to Section 308(a) of the Sarbanes-Oxley Act of 2002.

On December 22, 2011, the Commission issued a Corrected Notice of Proposed Plan of Distribution and Opportunity for Comment (“Notice”) pursuant to Rule 1103 of the Commission’s Rules on Fair Fund and Disgorgement Plans (“Rules”).³ On February 24, 2012, the Commission issued a Corrected Order Approving Plan of Distribution and Appointing a Fund Administrator,⁴ whereby Anne C. McKinley, a Commission employee, was appointed as the Fund Administrator.

The Final Plan of Distribution (“Plan”) provided for the Fair Fund to be distributed to six clients who had funds misappropriated by AA Capital, an investment adviser, and AA Capital’s former President, John Orecchio. On January 25, 2013, the Commission issued an order to disburse \$273,344.83 to the six clients,⁵ and on or about March 14, 2013, \$273,344.83 was distributed through the U.S. Department of the Treasury’s (“U.S. Treasury”) Bureau of the Fiscal Service. Ultimately, all payments were accepted and no funds were returned to the Fair Fund. In addition, the Fair Fund paid a total of \$950.00 in taxes and \$10,527.06 in Tax Administrator fees and expenses. A balance of \$0.00 remains in the Fair Fund.

The Plan provides that the Fair Fund shall be eligible for termination, and the Fund Administrator shall be discharged, after all of the following have occurred: (1) a final accounting, in an SEC standard accounting format, has been submitted by the Fund Administrator for approval of, and has been approved by, the Commission, (2) all taxes, fees and expenses have been paid, and (3) any amount remaining in the Fair Fund has been received by the Commission. A final accounting, which was submitted to the Commission for approval as required by Rule 1105(f) and as set forth in the Plan, is now approved. Staff has verified that all

² Advisers Act Rel. No. 2973 (January 5, 2010).

³ Exchange Act Rel. No. 66039 (December 22, 2011).

⁴ Exchange Act Rel. No. 66468 (February 24, 2012).

⁵ Exchange Act Rel. No. 68732 (January 25, 2013).

taxes, fees, and expenses have been paid, and there are no funds remaining in the Fair Fund to be received by the Commission.

Accordingly, it is ORDERED that:

- A. Any funds returned to the Fair Fund in the future shall be transferred to the U.S. Treasury;
- B. The Fund Administrator, Anne C. McKinley, is discharged; and
- C. The Fair Fund is terminated.

By the Commission.

Brent J. Fields
Secretary