

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 85893 / May 20, 2019

INVESTMENT ADVISERS ACT OF 1940
Release No. 5239 / May 20, 2019

Admin. Proc. File No. 3-18129

In the Matter of

BRIAN MICHAEL BERGER

NOTICE THAT INITIAL DECISION HAS BECOME FINAL

The time for filing a petition for review of the initial decision in this proceeding has expired. No such petition has been filed by Brian Michael Berger and the Commission has not chosen to review the decision on its own initiative.

Accordingly, notice is hereby given, pursuant to Rule 360(d) of the Commission's Rules of Practice,¹ that the initial decision of the administrative law judge has become the final decision of the Commission with respect to Brian Michael Berger.² The orders contained in that decision are hereby declared effective. The initial decision ordered that (a) under Section 15(b) of the Securities Exchange Act of 1934 and Section 203(f) of the Investment Advisers Act of 1940, Brian Michael Berger is barred from associating with a broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization; and (b) under Section 15(b) of the Securities Exchange Act of 1934, Brian Michael Berger is barred from participating in an offering of penny stock, including acting as a promoter, finder, consultant, agent, or other person who engages in activities with a broker, dealer, or issuer for purposes of the issuance of trading in any penny stock, or inducing or attempting to induce the purchase or sale of any penny stock.

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman
Acting Secretary

¹ 17 C.F.R. § 201.360(d).

² *Brian Michael Berger*, Initial Decision Release No. 1346 (Feb. 5, 2019), 2019 WL 446432.