

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

ADMINISTRATIVE PROCEEDINGS RULINGS

Release No. 3939/June 23, 2016

ADMINISTRATIVE PROCEEDING

File No. 3-16554

In the Matter of

GRAY FINANCIAL GROUP, INC.,
LAURENCE O. GRAY, AND
ROBERT C. HUBBARD, IV

NOTICE

On May 21, 2015, the Securities and Exchange Commission issued an order instituting administrative and cease-and-desist proceedings against Respondents. On August 4, 2015, the United States District Court for the Northern District of Georgia entered an order in *Gray Financial Group, Inc. v. SEC*, No. 15-cv-492, preliminarily enjoining the Commission from conducting the present proceeding.

On June 17, 2016, the United States Court of Appeals for the Eleventh Circuit issued an opinion vacating the district court's judgment "with instructions to dismiss for lack of jurisdiction." *Gray Fin. Grp., Inc. v. SEC*, No. 15-12831, slip op. at 37. That same day, the Division of Enforcement submitted to this Office (but, apparently, not to the Office of the Secretary) a letter forwarding a copy of the appellate opinion and stating that the Division intended to notify me "of the appropriate timing for restarting this administrative proceeding." On June 21, 2016, Respondents submitted to this Office (but also, apparently, not to the Office of the Secretary) their own letter, arguing that the preliminary injunction "remains in effect."

I intend to restart this proceeding after the mandate issues, which is when the Court of Appeals' judgment becomes effective and final. See Fed. R. App. P. 41(c) & advisory committee's note; *United States v. Palacios*, 516 F. App'x 734, 738 (11th Cir. 2013). If the mandate that eventually issues in *Gray Financial Group, Inc. v. SEC* includes a judgment ordering dismissal of the case, then this proceeding may recommence because vacatur of the injunction will be purely ministerial.

I therefore ask the parties to file a copy of the mandate promptly upon its issuance and to not submit additional papers in this proceeding until the mandate issues. The parties are reminded that Commission Rules of Practice 151 and 152 require papers to be filed with the Office of the Secretary and to contain (in essence) captions. See 17 C.F.R. §§ 201.151, .152.

Cameron Elliot
Administrative Law Judge