

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 4099/August 29, 2016

ADMINISTRATIVE PROCEEDING
File No. 3-17398

In the Matter of

DELANEY EQUITY GROUP LLC,
DAVID C. DELANEY, AND
IAN C. KASS

ORDER POSTPONING HEARING
AND DIRECTING THE PARTIES TO
HOLD AN INITIAL PREHEARING
CONFERENCE

On August 16, 2016, the Securities and Exchange Commission issued an order instituting proceedings (OIP) against Respondents. A hearing is currently scheduled for September 19, 2016. On August 24, 2016, the Division of Enforcement filed a motion to postpone the hearing and schedule a telephonic prehearing conference.

I POSTPONE the hearing and direct the parties to hold an initial prehearing conference without the hearing officer by September 9, 2016, to discuss each numbered item in Rule of Practice 221(c), 17 C.F.R. § 201.221(c), including the date by which each item will be accomplished. By September 14, 2016, the parties shall file a joint prehearing conference statement which: (1) addresses each numbered item in Rule 221(c), including proposed due dates where applicable (the parties may denote that an item is “not applicable” in their filing); (2) establishes the date the OIP was served on Respondents in accordance with 17 C.F.R. § 201.141; (3) indicates whether Respondents waive their right to a hearing between thirty and sixty days after service of the OIP, *see* 15 U.S.C. §§ 77h-1(b), 78u-3(b); and (4) states whether the parties will elect to have the recently amended Rules of Practice apply to this proceeding, and proposes a procedural schedule that will result in a hearing commencing within the timeframes provided those rules, depending on which version applies.¹

¹ On July 13, 2016, the Commission adopted amended Rules of Practice which will take effect on September 27, 2016. *See* Amendments to the Commission’s Rules of Practice, 81 Fed. Reg. 50212, 50212 (July 29, 2016) (to be codified at 17 C.F.R. pt. 201), <https://www.gpo.gov/fdsys/pkg/FR-2016-07-29/pdf/2016-16987.pdf>. In the release announcing the amended rules, the Commission provided that for proceedings initiated between July 13, 2016, and the effective date of the amended rules, the parties may elect to have the amended rules apply by every party submitting, within fourteen days of service of the OIP, a written request to the Secretary for application of the amended rules to the proceeding. *Id.* at 50228-29 & n.184. If the parties elect to apply the amended rules, the hearing in this matter will take place between four and ten

The prehearing statement should also address a potential hearing location and how many days might be necessary to complete the hearing. Based on this statement, a subsequent prehearing conference with the hearing officer will be scheduled if appropriate. If the parties are unable to hold a prehearing conference by September 9, 2016, the Division shall notify my office before that date.

The parties should email courtesy copies of any filings in this proceeding in PDF text-searchable format to alj@sec.gov.

Jason S. Patil
Administrative Law Judge

months after service of the OIP. *Id.* at 50239. If the parties do not elect to apply the amended rules, the current Rules of Practice will govern, and the hearing will occur approximately four months after service of the OIP. *See* 17 C.F.R. § 201.360(a)(2).