

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 4377/November 21, 2016

ADMINISTRATIVE PROCEEDING
File No. 3-17645

In the Matter of

GARY C. SNISKY

ORDER POSTPONING HEARING AND
REQUESTING DATE FOR PREHEARING
CONFERENCE

On October 27, 2016, the Securities and Exchange Commission issued an order instituting proceedings (OIP) against Respondent pursuant to Section 15(b) of the Securities Exchange Act of 1934 and Section 203(f) of the Investment Advisers Act of 1940. The OIP alleges that this proceeding is a follow-on based on *SEC v. Snisky*, No. 13-cv-3149 (D. Col. Aug. 12, 2016), in which Respondent was permanently enjoined from violating several provisions of the securities laws. A hearing is currently scheduled for November 28, 2016.

On November 16, the Division of Enforcement filed a motion requesting that the hearing be converted to a telephonic prehearing conference and that the date be continued to the week of December 5. The Division asserted that Respondent was served with the OIP on November 3. On November 16, the Division filed a motion for protective order, which explained that Respondent is incarcerated and, because of the “enhanced risk” of disclosure of confidential and personally identifiable information in that environment, requested that Respondent be ordered to keep the documents that will be provided to him by the Division under Commission Rule of Practice 230(a) confidential. My office received a copy of Respondent’s answer to the OIP on November 21.

I GRANT the Division’s motion to postpone the hearing currently scheduled for November 28. Before ruling on the Division’s motion for protective order, I would like to hold a telephonic prehearing conference to discuss the proposed order, and in particular Respondent’s ability to comply with it. Division counsel informed my office that she has been in contact with Respondent, who is working with his case manager to determine a date and time for a prehearing conference. I direct Division counsel to provide my office with that information when available.

Brenda P. Murray
Chief Administrative Law Judge