

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 4484/December 27, 2016

ADMINISTRATIVE PROCEEDING
File No. 3-17104

In the Matter of

BIOELECTRONICS CORP.,
IBEX, LLC,
ST. JOHN'S, LLC,
ANDREW J. WHELAN,
KELLY A. WHELAN, CPA, and
ROBERT P. BEDWELL, CPA

ORDER REGARDING MOTION TO
CORRECT MANIFEST ERRORS OF
FACT

On December 13, 2016, I issued an initial decision as to Respondents BioElectronics Corp., IBEX, LLC, St. John's, LLC, Andrew J. Whelan, and Kelly A. Whelan, CPA.¹ *BioElectronics Corp.*, Initial Decision Release No. 1089, 2016 SEC LEXIS 4597. On December 23, 2016, Respondents filed a motion to correct manifest errors of fact in the initial decision. According to Rules of Practice 111(h) and 160(a), the Division of Enforcement's opposition is presently due January 3, 2017, and the motion must be resolved by January 23, 2017. *See* 17 C.F.R. §§ 201.111(h) ("A brief in opposition may be filed within five days of a motion to correct."), 160(a) (stating that intermediate Saturdays, Sundays, and federal legal holidays shall be excluded from time computation when the period of time allowed is seven days or less, and due dates may not fall on Saturdays, Sundays, or federal legal holidays).

The Division of Enforcement has requested until January 12, 2017, to respond to Respondents' motion, a request Respondents do not oppose. In view of the holidays, it is ORDERED that the Division's opposition to Respondents' motion is due January 12, 2017; no reply is permitted. It is my intention to resolve the motion by January 23, 2017, notwithstanding this extension of time.

It is further ORDERED that in responding to the motion the Division need not address the following issues: (1) whether the statute of limitations and the Commission's positions in bankruptcy proceedings bar disgorgement for unlawful securities sales predating April 17, 2010 (motion at 3-15); (2) whether income tax payments may offset the ordered disgorgement (motion

¹ The proceeding has ended as to Respondent Robert P. Bedwell, CPA. *BioElectronics Corp.*, Securities Exchange Act of 1934 Release No. 79176, 2016 SEC LEXIS 4034 (Oct. 27, 2016).

at 3-4); (3) whether accrued interest should be counted as ill-gotten gains (motion at 15); (4) whether sales proceeds reinvested in BioElectronics should be counted as ill-gotten gains (motion at 16-17); and (5) whether the civil penalty imposed against St. John's was excessive (motion at 25-29). Such arguments are purely legal and are not properly presented in a motion to correct manifest errors of fact.

Cameron Elliot
Administrative Law Judge