
However, in light of the U.S. Court of Appeals for the Tenth Circuit’s recent decision denying rehearing en banc in Bandimere v. SEC, 844 F.3d 1168 (10th Cir. 2016), reh’g and reh’g en banc denied, No. 15-9586, 2017 WL 1717498 (10th Cir. May 3, 2017), the Securities and Exchange Commission has stayed all administrative proceedings assigned to an administrative law judge in which a respondent has the option to seek review in the Tenth Circuit of a final order of the Commission. Pending Admin. Proc., Securities Act of 1933 Release No. 10365, 2017 WL 2224348 (May 22, 2017).

Respondent is a resident of Kansas and therefore would, under Section 9(a) of the Securities Act and Section 25(a) of the Securities Exchange Act of 1934, have the option to seek review in the Tenth Circuit of a final order of the Commission in this matter. 15 U.S.C. §§ 77i(a); 78y(a)(1); Order Instituting Proceedings at 1. Accordingly, this proceeding is stayed indefinitely.

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Cameron Elliot
Administrative Law Judge