

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

Administrative Proceedings Rulings  
Release No. 5282 / December 6, 2017

Administrative Proceeding  
File No. 3-18252

In the Matter of  
**Joseph Vitale**

**Notice to the Parties, Order  
Allowing New Evidence, and  
Order Regarding Service**

On November 30, 2017, the Securities and Exchange Commission issued an order ratifying the appointment of its administrative law judges and directing all administrative law judges with pending proceedings to: (1) reconsider the record in each proceeding, including all substantive and procedural actions; (2) allow the parties to file any new evidence that the parties deem relevant to the reexamination of the record by January 5, 2018; (3) determine whether to revise or ratify prior actions; and (4) issue by February 16, 2018, an order on ratification. *Pending Admin. Proc.*, Securities Act of 1933 Release No. 10440, 2017 SEC LEXIS 3724.<sup>1</sup>

Accordingly, the parties may submit by January 5, 2018, any new evidence they consider relevant to my reexamination of the record. Any party that submits evidence must also file a brief explaining the relevance of its new evidence and how it relates to an action I have taken in this proceeding. Any responsive or opposition brief is due January 19, 2018.

In addition to the required filing with the Commission Secretary, I ask the parties to email a courtesy copy of their submissions to [alj@sec.gov](mailto:alj@sec.gov) in PDF text-searchable format and, for briefs, in MS Word format if practicable.

The Division of Enforcement has submitted evidence that on October 26, 2017, the order instituting this proceeding (OIP) was delivered to the facility

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<sup>1</sup> The Commission order is online here: <https://www.sec.gov/litigation/opinions/2017/33-10440.pdf>.

in which Respondent is incarcerated. However, it is not clear that Respondent has personally received the OIP. The Division of Enforcement reports that Respondent has not responded to its letter, sent November 2, 2017, seeking to confer about hearing dates.

I direct the Division to attempt to coordinate with Respondent's facility to determine the feasibility of setting up a telephonic prehearing conference, and report on its efforts by December 20, 2017.

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Jason S. Patil  
Administrative Law Judge