

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

Administrative Proceedings Rulings
Release No. 5393 / December 15, 2017

Administrative Proceeding
File No. 3-17645

In the Matter of

Gary C. Snisky

**Order Regarding
the Securities and Exchange
Commission's Order on
Pending Administrative
Proceedings**

This administrative proceeding began with an order instituting proceedings issued on October 27, 2016. The proceeding is based on *SEC v. Snisky*, No. 13-cv-3149 (D. Colo. Aug. 12, 2016), in which Respondent is alleged to have been permanently enjoined from violating the registration and antifraud provisions of the federal securities laws. In light of the decision in *Bandimere v. SEC*, 844 F.3d 1168 (10th Cir. 2016), *reh'g and reh'g en banc denied*, 855 F.3d 1128 (10th Cir. 2017), *petition for cert. filed*, No. 17-475 (U.S. Sept. 29, 2017), the Securities and Exchange Commission on May 22, 2017, stayed all administrative proceedings assigned to an administrative law judge in which a respondent had the option to seek review in the Tenth Circuit court. *Pending Admin. Proc.*, Securities Act of 1933 Release No. 10365, 2017 WL 2224348. This proceeding was among the stayed proceedings. *See Gary C. Snisky*, Admin. Proc. Rulings Release No. 4838, 2017 SEC LEXIS 1591 (ALJ May 30, 2017).

On November 30, 2017, the Commission lifted the stay imposed by its May 22, 2017, order and directed that administrative law judges in pending cases: (1) reconsider the record in the proceeding, including all substantive and procedural rulings; (2) allow the parties to file any new evidence that they deem relevant to the reexamination of the record by January 5, 2018; (3) determine whether to revise or ratify prior rulings; and (4) issue by February 16, 2018, an order on ratification. *Pending Admin. Proc.*, Securities Act Release No. 10440, 2017 SEC LEXIS 3724, <https://www.sec.gov/litigation/opinions/2017/33-10440.pdf>.

Accordingly, I ORDER the parties to file by January 5, 2018, any new evidence that they consider relevant to my reexamination of the record. Each party may also submit a brief explaining the relevance of its new evidence and identifying any challenged rulings, findings, or conclusions. If any party chooses to submit a brief by January 5, each other party will have until January 16, 2018, to file a responsive brief.

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 in PDF text-searchable format. Exhibits should be submitted as separate attachments, not as a combined PDF.

Brenda P. Murray
Chief Administrative Law Judge