

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

Administrative Proceedings Rulings  
Release No. 5421 / December 21, 2017

Administrative Proceeding  
File No. 3-18252

In the Matter of  
**Joseph Vitale**

**Order Scheduling Telephonic  
Prehearing Conference**

According to the Division of Enforcement, Respondent Joseph Vitale has retained counsel and will not communicate with the Division without his attorney present. Complicating matters, Vitale has not yet responded to the Division's request for the identity of his attorney. In addition, there is still an open question as to whether Vitale has been served with the order instituting proceedings (OIP). *See Joseph Vitale*, Admin. Proc. Rulings Release No. 5282, 2017 SEC LEXIS 3885, at \*2 (ALJ Dec. 6, 2017). Given the Division's line of communication with prison staff, it may be possible to obtain a declaration from prison staff regarding whether Vitale has personally received a copy of the OIP.

In an attempt to answer these questions, I ORDER that a telephonic prehearing conference will be held on January 24, 2018, at 2:00 p.m. Eastern time. The Division should file a declaration or otherwise update the record with information regarding the status of service of the OIP and the identity of Vitale's counsel in advance of the conference if and when that information becomes available.

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Jason S. Patil  
Administrative Law Judge