

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 5537/January 26, 2018

ADMINISTRATIVE PROCEEDING
File No. 3-17828

In the Matter of :
:
ROSALIND HERMAN : ORDER

On February 7, 2017, the Securities and Exchange Commission instituted this follow-on proceeding based on *United States v. Herman*, No. 1:12-cr-10015, ECF Nos. 299-300 (D. Mass. Aug. 1, 2016), *aff'd*, 848 F.3d 55 (1st Cir. 2017), *cert. denied*, 137 S. Ct. 1603 (2017), in which Rosalind Herman was convicted of securities and wire fraud and other crimes. On July 20, 2017, pursuant to 17 C.F.R. § 201.250(b), the Division of Enforcement filed a motion for summary disposition, which is now fully briefed in accordance with an extended briefing schedule arising from logistical difficulties associated with Respondent Herman's incarceration. *See Rosalind Herman*, Admin. Proc. Rulings Release No. 5239, 2017 SEC LEXIS 3695 (Nov. 27, 2017) (summarizing a series of logistical difficulties, permitting Respondent Herman to submit additional exhibits to her opposition by December 1, 2017, and extending the Division's time for reply to December 15, 2017).

As required by the Commission's November 30, 2017, order that directed the undersigned to "[r]econsider the record, including all substantive and procedural actions taken by an administrative law judge" and "[d]etermine . . . whether to ratify or revise . . . all prior actions" in this proceeding, she invited the parties to submit any new evidence relevant to her reexamination of the record by January 5, 2018. *See Pending Admin. Proc.*, Securities Act of 1933 Release No. 10440, 2017 SEC LEXIS 3724; *Rosalind Herman*, Admin. Proc. Rulings Release No. 5410, 2017 SEC LEXIS 4157 (A.L.J. Dec. 19, 2017) (December 19 Order).

Under consideration are Respondent Herman's requests, dated January 2 and 15, 2018, to extend the January 5 due date for a total of four weeks, and the Division's January 19 response. She cites logistical difficulties, including late receipt of the December 19 Order and inability to obtain copy cards and stamps as a result of damage to the commissary caused by bad weather. Good cause has been shown for the requested extension, and her submission will be due by February 2, 2018. The Division's time for comments is extended to February 16, 2018. Respondent Herman is reminded that she has been invited to submit "new evidence" relevant to the undersigned's reexamination of "all substantive and procedural actions taken by an administrative law judge" in this proceeding. As of November 30, 2017, and, to date, only procedural actions – setting and postponing dates for filing motions and responsive pleadings – have been taken by an administrative law judge in this proceeding.

IT IS SO ORDERED.

/S/ Carol Fox Foelak
Carol Fox Foelak
Administrative Law Judge