
The Division of Enforcement submitted a motion requesting that I ratify my prior actions. Respondent Bobby D. Jones did not submit new evidence, but submitted a motion stating that because he has appealed the underlying civil judgment on which this follow-on proceeding is based, ratification would be premature and may cause him irreparable harm.

However, it is well-established that an administrative proceeding may continue despite the appeal or potential reconsideration of an underlying civil or criminal matter. *See Jon Edelman*, File No. 3-8950, 1996 SEC LEXIS 3560, at *2 (May 6, 1996); *Charles Phillip Elliott*, Exchange Act Release No. 31202, 1992 SEC LEXIS 2334, at *11 n.15 (Sept. 17, 1992). If Jones is

successful in reversing the underlying judgment, he can petition to have any bar or other sanction that may be imposed in this proceeding lifted (or to have this proceeding dismissed, if it is still pending). See Charles Phillip Elliot, 1992 SEC LEXIS 2334, at *11 n.17; Gary L. Jackson, Accounting and Auditing Enforcement Release No. 85, 1986 SEC LEXIS 2230, at *7 n.3 (Jan. 21, 1986). See also, e.g., Richard L. Goble, Exchange Act Release No. 68651, 2013 SEC LEXIS 129 (Jan. 14, 2013) (dismissing follow-on administrative proceeding after court of appeals, while petition for review was pending before Commission, vacated injunction that was basis for OIP).

Moreover, it is of note that the only actions taken in this proceeding as to Jones were: (1) my appointment as the presiding judge in this proceeding, which has already been ratified, Pending Admin. Proc., Admin. Proc. Rulings Release No. 5247, 2017 SEC LEXIS 3780 (ALJ Dec. 4, 2017); (2) the consolidation of the action against him with that of Bank, who has now settled, Daryl G. Bank, Admin. Proc. Rulings Release No. 5179, 2017 SEC LEXIS 3305 (ALJ Oct. 16, 2017); and (3) a finding that because Jones answered, he was deemed to have been properly served—which I made after the Commission ratified my appointment. Daryl G. Bank, 2017 SEC LEXIS 3925, at *2. For all of these reasons, Jones has not shown that ratification of my prior actions as to him is premature or would cause him harm.

Upon reconsideration of the record, I find nothing that requires revision. I therefore RATIFY all prior actions taken by an administrative law judge in this proceeding. The process contemplated by the Commission’s November 30 order is complete.

_______________________________
Jason S. Patil
Administrative Law Judge