

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

ADMINISTRATIVE PROCEEDINGS RULINGS

Release No. 5958/September 13, 2018

ADMINISTRATIVE PROCEEDING

File No. 3-17941

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In the Matter of

AXESSTEL, INC.

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: NOTICE

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The Securities and Exchange Commission instituted this proceeding on April 24, 2017, pursuant to Section 12(j) of the Securities Exchange Act of 1934. On July 6, 2017, an Initial Decision revoked the registered securities of Axesstel, Inc. *Axesstel, Inc.*, Initial Decision Release No. 1152, 2017 SEC LEXIS 2038 (A.L.J.) (ID). On October 5, 2017, the Commission issued a notice that the ID had become the final decision of the Commission. *Axesstel, Inc.*, Exchange Act Release No. 81831, 2017 SEC LEXIS 3197. On November 30, 2017, the Commission ratified the appointment of the undersigned as an Administrative Law Judge and directed her to “[r]econsider the record” and “[d]etermine . . . whether to ratify or revise . . . all prior actions” in proceedings such as this one. *Pending Admin. Proc.*, Securities Act of 1933 Release No. 10440, 2017 SEC LEXIS 3724, at \*3; *see Axesstel, Inc.*, Admin. Proc. Rulings Release No. 5382, 2017 SEC LEXIS 4083 (A.L.J. Dec. 14, 2017). The undersigned reexamined the record and determined to ratify “all prior actions.” *Axesstel, Inc.*, Admin. Proc. Rulings Release No. 5478, 2018 SEC LEXIS 172, at \*2 (A.L.J. Jan. 22, 2018).

On June 21, 2018, “[i]n light of the Supreme Court’s decision in *Lucia v. SEC*,” 138 S. Ct. 2044 (2018), the Commission stayed all pending administrative proceedings, including this one, “effective immediately”; the stay was operative through August 22, 2018. *Pending Admin. Proc.*, Securities Act Release Nos. 10510, 2018 SEC LEXIS 1490; 10522, 2018 SEC LEXIS 1774 (July 20, 2018). On August 22, 2018, the Commission ended the stay and ordered a new hearing in each affected proceeding before an administrative law judge who had not previously participated in the proceeding, unless the parties expressly agreed to alternative procedures, including agreeing that the proceeding remain with the previous presiding administrative law judge. *Pending Admin. Proc.*, Securities Act Release No. 10536, 2018 SEC LEXIS 2058, at \*2-3. Each party to an affected proceeding was notified of the Commission’s order and reminded of the applicable procedures. *Pending Admin. Proc.*, Admin. Proc. Rulings Release No. 5954, 2018 SEC LEXIS 2072 (C.A.L.J. Aug. 23, 2018).

On September 6, 2018, Axesstel and the Division of Enforcement filed a joint stipulation that Axesstel “waives any claim or entitlement to . . . a new hearing,” “elects to proceed before ALJ Carol Fox Foelak,” and “waives any and all challenges to the administrative proceedings or any and all orders that may be issued during or at the conclusion of those proceedings, whether before the ALJ, the Commission, or a court, based upon any alleged or actual defect in the appointment of ALJ Foelak.” In light of the stipulation, no further action by the undersigned is necessary. The Commission may take further action pursuant to 17 C.F.R. § 201.360(d)(2).

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