

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

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 6082/September 25, 2018

ADMINISTRATIVE PROCEEDING  
File No. 3-17990

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In the Matter of	:	
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DIGITAL BRAND MEDIA & MARKETING	:	ORDER
GROUP, INC., and	:	
INTELLICELL BIOSCIENCES, INC.	:	

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The Securities and Exchange Commission instituted this proceeding with an Order Instituting Proceedings (OIP), pursuant to Section 12(j) of the Securities Exchange Act of 1934, on May 16, 2017. On June 19, 2017, an Initial Decision of Default revoked the registration of the registered securities of Intellicell Biosciences, Inc. *Digital Brand Media & Mktg. Grp.*, Initial Decision Release No. 1145, 2017 SEC LEXIS 1834 (A.L.J.), *finality order*, Exchange Act Release No. 81809, 2017 SEC LEXIS 3149 (Oct. 3, 2017). On November 16, 2017, an Initial Decision revoked the registration of the registered securities of Digital Brand Media & Marketing Group, Inc. *Digital Brand Media & Mktg. Grp.*, Initial Decision Release No. 1226, 2017 SEC LEXIS 3620 (A.L.J.).

Thereafter, the proceeding was stayed: 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; the stay was operative through August 22, 2018. *Pending Admin. Proc.*, Securities Act of 1933 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 that, in each affected proceeding, “respondents be provided with the opportunity for a new hearing in each affected proceeding before an [administrative law judge (ALJ)] who did not previously participate in the matter,” unless the parties expressly agreed to alternative procedures, including agreeing that the proceeding remain with the previous presiding ALJ. *Pending Admin. Proc.*, Securities Act Release No. 10536, 2018 SEC LEXIS 2058, at \*2-3 (August 22 Order). Intellicell Biosciences did not file such an agreement, and the proceeding was reassigned to the undersigned. *Pending Admin. Proc.*, Admin. Proc. Rulings Release No. 5955, 2018 SEC LEXIS 2264 (C.A.L.J. Sept. 12, 2018).

Digital Brand and the Division of Enforcement filed a Joint Agreement on Alternative Procedures on September 6, 2018. The agreement calls for a new Initial Decision based on the existing record, as supplemented by new oral presentations. The agreement also states that Digital Brand waives any claim or entitlement to a new hearing before another ALJ or the Commission and “instead knowingly and voluntarily elects to proceed before [the previous presiding ALJ].” Since the proceeding has been reassigned to the undersigned, the parties are requested, by October 26,

2018, to confirm their agreement with the other provisions of the Joint Agreement or to submit a new proposal or proposals.<sup>1</sup>

The OIP provides that each Respondent's Answer is due within ten days of service of the OIP on it. *See* OIP at 3; 17 C.F.R. § 201.220(b). The undersigned has independently determined that Intellicell Biosciences was served with the OIP on May 18, 2017, by USPS Express Mail attempted delivery in accordance with 17 C.F.R. § 201.141(a)(2)(ii). To date, it has failed to file an Answer.

In view of the reassignment of the proceeding, Intellicell Biosciences will be afforded a new opportunity to file an Answer, which will be due by October 12, 2018. If it fails to file an Answer within the time provided, it will be deemed to be in default, and the undersigned will enter an order revoking the registration of its securities. *See* OIP at 3. If it files an Answer, it and the Division should submit proposals for the conduct of further proceedings by October 26, 2018. The proposal may include resolving the proceeding by motion[s] for summary disposition pursuant to 17 C.F.R. § 201.250(b). If it files an Answer but fails to submit a proposal (or to participate in a joint proposal), it will be deemed to be in default, and the undersigned will enter an order revoking the registration of its securities. *See* August 22 Order, 2018 SEC LEXIS 2058, at \*4.

IT IS SO ORDERED.

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

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<sup>1</sup> As noted *supra*, the Commission ordered that respondents be provided with the *opportunity* for a new hearing before a new ALJ; it did not accord them the right to further proceedings before the previous ALJ. *See* August 22 Order, 2018 SEC LEXIS 2058, at \*2-3. The Chief ALJ is authorized to select which ALJ presides in any proceeding that the Commission has ordered be heard by an ALJ. 17 C.F.R. §§ 200.30-10, 201.110. As noted in the Chief ALJ's order reassigning this proceeding to the undersigned, the previous presiding ALJ is not available to hear the new oral presentations agreed to by the parties. *See Pending Admin. Proc.*, 2018 SEC LEXIS 2264, at \*1-2.