The Securities and Exchange Commission instituted this proceeding with an Order Instituting Proceedings (OIP), pursuant to Section 8A of the Securities Act of 1933 and Section 15(b) of the Securities Exchange Act of 1934 on September 8, 2015. The OIP embodied a partial settlement and ordered additional proceedings to determine what, if any, non-financial remedial sanctions pursuant to Section 15(b) of the Exchange Act are in the public interest. The OIP included extensive findings of facts concerning Respondent Joseph J. Fox’s conduct and specified, at ¶ V., that Respondent “will be precluded from arguing that he did not violate the federal securities laws as described in this [OIP]” and “the findings of this [OIP] shall be accepted as and deemed true by the hearing officer.”

A prehearing conference was held today. Anne C. McKinley and Jedediah B. Forkner appeared on behalf of the Division of Enforcement, and Respondent appeared pro se.

Previously, the parties made separate proposals for the conduct of further proceedings. Respondent proposed that the proceedings “be conducted solely through in-person testimony at public hearings,” and the Division of Enforcement proposed that the matter be resolved by summary disposition. The proceeding will be resolved through motion[s] for summary disposition and responsive pleadings supplemented by a video or in-person hearing in Washington, D.C., at which Respondent may testify and the parties may offer oral argument.

The following schedule was adopted with the agreement of the parties:

March 28, 2019    Subpoena requests
April 18, 2019    Motion[s] for summary disposition
May 20, 2019      Opposition[s]
May 31, 2019      Repl[y/ies]
TBD               Date of oral hearing

IT IS SO ORDERED.

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

2 The subpoena form is found at: https://www.sec.gov/alj/subpoena-to-produce.pdf.