

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

Administrative Proceedings Rulings  
Release No. 6599 / June 12, 2019

Administrative Proceeding  
File No. 3-17184

In the Matter of  
**Christopher M. Gibson**

**Order on Reissuance of Subpoena**

On May 28, 2019, the Division of Enforcement requested the issuance of a subpoena to Respondent to produce documents. Because I was unavailable to sign the subpoena, the Chief Administrative Law Judge signed it instead under Rule 232(a)(1) of the Securities and Exchange Commission's Rules of Practice.<sup>1</sup>

Yesterday, Respondent submitted a motion to quash the subpoena. Among other things, Respondent argues that the subpoena was not properly issued and is invalid because the Supreme Court in *Lucia v. SEC*<sup>2</sup> held that in cases like this one, where a hearing had already taken place, there must be a new hearing before a different, properly appointed administrative law judge. Since the Chief Administrative Law Judge presided over the first hearing in this proceeding, Respondent asserts that she cannot participate in this matter further, even to sign subpoenas.<sup>3</sup>

To avoid further controversy over Appointments Clause issues and in an abundance of caution, I am reissuing the subpoena under my signature as of today. I will consider Respondent's motion to quash in reference to the new subpoena. Briefing on the motion should continue according to a standard

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<sup>1</sup> 17 C.F.R. § 201.232(a)(1).

<sup>2</sup> 138 S. Ct. 2044, 2055 (2018).

<sup>3</sup> Mot. at 3.

schedule, with the Division's opposition due June 18 and any reply due June 21.<sup>4</sup>

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James E. Grimes  
Administrative Law Judge

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<sup>4</sup> See 17 C.F.R. §§ 201.154(b), .160(a).