

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION
April 27, 2018

SECURITIES ACT OF 1933
Release No. 10490 / April 27, 2018

SECURITIES EXCHANGE ACT OF 1934
Release No. 83124 / April 27, 2018

Admin. Proc. File No. 3-17104

In the Matter of

BIOELECTRONICS CORP.,
IBEX, LLC,
ST. JOHN'S, LLC,
ANDREW J. WHELAN, CPA, AND
KELLY A. WHELAN, CPA

SUPPLEMENTAL BRIEFING ORDER

On February 5, 2016, the Commission instituted this administrative proceeding and directed that it be presided over by an administrative law judge.¹ The ALJ issued an initial decision on December 13, 2016.² The initial decision found that five Respondents—BioElectronics Corp.; IBEX, LLC; St. John's, LLC; Andrew J. Whelan; and Kelly A. Whelan—committed certain violations of the securities laws, and imposed sanctions, including disgorgement. These Respondents sought Commission review of that decision.³ On November 30, 2017, the Commission remanded the matter to the ALJ who issued the initial decision in order for him to conduct a de novo reconsideration and reexamination of the record to determine “whether to ratify or revise in any respect all prior actions taken by” the ALJ.⁴ As part of the remand, the parties were given the opportunity to submit any new evidence and brief any issues

¹ *BioElectronics Corp.*, Exchange Act Release No. 77073, 2016 WL 683555, at *9-10 (Feb. 5, 2016).

² *BioElectronics Corp.*, Initial Decision Release No. 1089, 2016 WL 7228231 (Dec. 13, 2016).

³ *BioElectronics Corp.*, Exchange Act Release No. 80126, 2017 WL 766791, at *1 (Feb. 28, 2017) (Order Granting Petition for Review and Scheduling Briefs).

⁴ *Pending Administrative Proceedings*, Securities Act Release No. 10440, 2017 WL 5969234, at *1-2 (Nov. 30, 2017).

that they deemed relevant.⁵ On February 14, 2018, the ALJ determined, upon reconsideration of the record, to ratify “the initial decision and all other prior actions taken by an administrative law judge in the proceeding,” except that he reduced the amount of disgorgement.⁶

Respondents renewed their petition for review following the ALJ’s ratification order. The Commission will now complete its consideration of the petition for review. Accordingly, it is ORDERED that the parties may file simultaneous briefs, not to exceed 6,000 words, addressing any matters that they deem pertinent in light of the ALJ’s ratification order by May 28, 2018.⁷ They may file simultaneous response briefs, not to exceed 3,000 words, by June 11, 2018. It is unnecessary to restate arguments asserted in previous briefing before the Commission. As indicated in the order granting the petition for review that Respondents filed in 2017, the Commission will determine what sanctions, if any, are appropriate pursuant to Rule of Practice 411(d).⁸

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Brent J. Fields
Secretary

⁵ *BioElectronics Corp.*, Administrative Proceedings Rulings Release No. 5296 (ALJ Dec. 6, 2017), available at <https://www.sec.gov/alj/aljorders/2017/ap-5296.pdf>.

⁶ *BioElectronics Corp.*, Administrative Proceedings Rulings Release No. 5591 (ALJ Feb. 14, 2018), available at <https://www.sec.gov/alj/aljorders/2018/ap-5591.pdf>.

⁷ Attention is called to Rules of Practice 150-153, 17 C.F.R. § 201.150-153, with respect to form and service, and Rule of Practice 450(b), 17 C.F.R. § 201.450(b), with respect to content limitations. Requests for extensions of time to file briefs will be disfavored.

⁸ *BioElectronics*, 2017 WL 766791, at *1 (citing 17 C.F.R. § 201.411(d)).