

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

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 4450/December 14, 2016

ADMINISTRATIVE PROCEEDING  
File No. 3-17528

In the Matter of

AARON NASH KAZINEC

ORDER FOLLOWING  
PREHEARING CONFERENCE

A telephonic prehearing conference was held today, attended by the Division of Enforcement and Respondent. Respondent's answer, Respondent's motion to amend the proposed offer of settlement, a schedule for a motion for summary disposition, and the Division's responsibility to make available its investigative file to Respondent were discussed.

The Division reported that because the parties initially believed this proceeding would settle, it had not yet provided Respondent with its investigative file as required by Rule 230. *See* 17 C.F.R. § 201.230(d) (requiring the Division to make documents available "no later than 7 days after service of the order instituting proceedings"). The Division promised to work with Respondent's counselor at the prison to provide Respondent with these documents. The Division should provide its investigative file to Respondent as soon as possible.

I set the following briefing schedule for a motion for summary disposition:

January 13, 2017: Division's motion for summary disposition due.

February 17, 2017: Respondent's opposition to the Division's motion due.

February 28, 2017: Division's reply to Respondent's opposition due.

In its motion, the Division should address the concerns Respondent made during the prehearing conference regarding the broad application of the industry bars authorized by Section 15(b)(6) of the Securities Exchange Act of 1934 and Section 203(f) of the Investment Advisers Act of 1940, in particular the definition of the terms "person associated with" or "associated person" *See* 15 U.S.C. §§ 78c(a)(18), 80b-2(17). In addition to any other document it relies on, the Division should attach Respondent's plea agreement, proffer, and any other similar document.

In his opposition, Respondent should discuss anything he thinks the Division's motion mischaracterizes and explain any other disagreements he has with the Division's motion. Respondent should attach any documents he relies on that are not already attached to the Division's motion. Respondent should also provide the name and position of any potential witnesses whose testimony would support his argument, as well as a summary as to what they would say. If Respondent does not have any witnesses to offer in support, he should state that as well. If Respondent is moved from his current facility to another, as he expects, he should also include his new address.

The parties' submissions and any documents in support shall be filed with the Commission's Office of the Secretary in hard-copy paper format, U.S. Securities and Exchange Commission, 100 F Street N.E., Mail Stop 1090, Washington, D.C. 20549. Each filing must include a signed original and three copies, and a certification that a copy was served on the other party. These requirements are detailed under Rules of Practice 150 to 152. 17 C.F.R. §§ 201.150-.152.

In addition to the required filing with the Office of the Secretary, I would appreciate electronic courtesy copies of the Division's filings emailed to [alj@sec.gov](mailto:alj@sec.gov) in PDF text-searchable format and MS Word format. Electronic copies of exhibits should not be combined into a single PDF file, but submitted as separate attachments.

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Jason S. Patil  
Administrative Law Judge