



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
NEW YORK REGIONAL OFFICE
3 WORLD FINANCIAL CENTER, ROOM 400
NEW YORK, NEW YORK 10281

July 31, 2009

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ AUG 04 2009 ★
BROOKLYN OFFICE

VIA ECF

The Honorable I. Leo Glasser
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

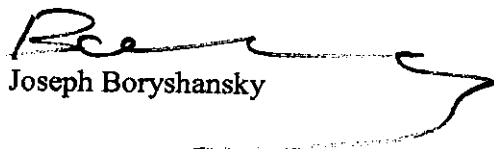
Re: SEC v. Kevin James Dunn, Jr., 07 Civ. 4144 (ILG) (JMA)

Dear Judge Glasser:

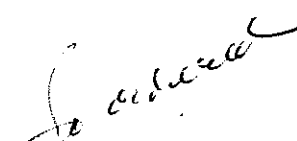
On behalf of plaintiff Securities and Exchange Commission ("Commission"), we write to advise the Court that the Commission and defendant Kevin James Dunn, Jr. have reached an agreement regarding the disposition of the Commission's pending request for the imposition of civil monetary penalties against Dunn. On September 24, 2008, the Court entered a Partial Final Consent Judgment of Permanent Injunction and Other Relief as to Defendant Kevin James Dunn, Jr. ("Consent Judgment"), which imposed all of the permanent injunctive relief sought in the Commission's complaint and deferred to a later date the question of whether to impose civil monetary penalties absent further agreement of the parties. Pursuant to the terms of the Consent Judgment, the Commission has agreed to withdraw, and hereby withdraws, its request for civil monetary penalties against Dunn in view of, *inter alia*, the fifty-one month prison sentence that Dunn received pursuant to his guilty plea in the parallel criminal action, *United States v. Dunn*, 07 Cr. 00732 (ILG).

Accordingly, we believe that all the issues before the Court have now been resolved. If the Court requires anything further, please call me at (212) 336-0113 or Maureen Lewis at (212) 336-0125.

Respectfully submitted,


Joseph Boryshansky

cc: Kevin James Dunn, Jr.
Mario F. Gallucci, Esq.


8/2/09