

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES ACT OF 1933  
Release No. 9473 / November 5, 2013

SECURITIES EXCHANGE ACT OF 1934  
Release No. 70809 / November 5, 2013

INVESTMENT COMPANY ACT OF 1940  
Release No. 30773 / November 5, 2013

ADMINISTRATIVE PROCEEDING  
File No. 3-14848

In the Matter of

OPTIONSXPRESS, INC.,  
THOMAS E. STERN, and  
JONATHAN I. FELDMAN

NOTICE THAT INITIAL DECISION  
HAS BECOME FINAL AS TO  
THOMAS E. STERN

Respondent Thomas E. Stern timely petitioned for review of the administrative law judge's initial decision issued on June 7, 2013.<sup>1</sup> On October 25, 2013, Stern withdrew his petition for review and "request[ed] that the Commission issue an order, pursuant to Rule of Practice 360(d)(2), indicating that the initial decision has become final" as to him. The Division of Enforcement has no objection to the withdrawal.

Accordingly, notice is hereby given, pursuant to Rule 360(d)(2) of the Commission's Rules of Practice,<sup>2</sup> that the initial decision of the administrative law judge has become the final decision of the Commission with respect to Stern. The orders contained in that decision are hereby declared effective. The initial decision ordered that Stern shall cease and desist from causing and aiding and abetting violations of Section 17(a) of the Securities Act of 1933, Section 10(b) of the Securities Exchange Act of 1934, Exchange Act Rules 10b-5 and 10b-21, and Rule 204 of Regulation SHO. The initial decision further ordered that Stern is barred from being associated with a broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization or from participating in an offering of penny stock and prohibited permanently from serving or acting as an employee, officer, director, member of an advisory board, investment adviser, or depositor of, or principal underwriter for, a registered investment company or affiliated person of such

<sup>1</sup> *optionsXpress, Inc.*, Initial Decision Release No. 490, 2013 WL 2471113 (June 7, 2013).

<sup>2</sup> 17 C.F.R. § 201.360(d)(2).

investment adviser, depositor, or principal underwriter. The initial decision further ordered that Stern pay a civil monetary penalty in the amount of \$75,000.

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

Elizabeth M. Murphy  
Secretary