

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 2449/March 20, 2015

ADMINISTRATIVE PROCEEDING
File No. 3-16104

In the Matter of :
: :
MICHAEL LEE MENDENHALL : ORDER

The Securities and Exchange Commission instituted this proceeding on September 12, 2014, as a follow-on proceeding based on *People v. Mendenhall*, No. 2011CR10094 (Colo. Dist. Ct. Apr. 20, 2012), *appeal pending*, No. 12CA1171 (Colo. App.), in which Michael Lee Mendenhall (Mendenhall) was convicted of securities fraud and theft under Colorado state law. The Division of Enforcement (Division) filed a motion for summary disposition on December 12, 2014, pursuant to 17 C.F.R. § 201.250(a), in accordance with leave granted. *Michael Lee Mendenhall*, Admin. Proc. Rulings Release No. 1952, 2014 SEC LEXIS 4054 (A.L.J. Oct. 28, 2014). On January 21, 2015, Mendenhall filed a motion for a 120-day extension of time to respond to the Division's motion for summary disposition. He was granted a four-week extension, until February 13, 2015. *See Michael Lee Mendenhall*, Admin. Proc. Rulings Release No. 2244, 2015 SEC LEXIS 246 (A.L.J. Jan. 22, 2015) (January 22 Order). No response was received, and an Initial Decision barring Mendenhall from the securities industry was issued on February 18, 2015. *Michael Lee Mendenhall*, Initial Decision Release No. 743, 2015 SEC LEXIS 563 (A.L.J. Feb. 18, 2015) (ID).

By mistake, neither the January 22 Order nor the ID was sent to Mendenhall at his current address. Mendenhall submitted a letter, dated February 17, 2015, and received February 23, 2015, stating that he had not received a response to his extension request and inquiring as to its status. The two documents were thereafter sent to Mendenhall at his current address: DOC # 157626, Colorado Territorial Correctional Facility, P.O. Box 1010, Cañon City, CO 81215. On February 23, 2015, an Order was issued treating Mendenhall's letter as a motion to correct a manifest error of fact in the ID, pursuant to 17 C.F.R. § 201.111(h). *Michael Lee Mendenhall*, Admin. Proc. Rulings Release No. 2344, 2015 SEC LEXIS 653 (A.L.J. Feb. 23, 2015). Mendenhall was granted until March 20, 2015, to file a supplemental pleading concerning the ID and the Division's motion for summary disposition. *Id.*

On March 19, 2015, the Commission issued an Order Vacating Initial Decision and Remanding for Further Proceedings. *See Michael Lee Mendenhall*, Exchange Act Release No.

74532, 2015 WL 1247374 (Mar. 19, 2015). The Commission noted that “[u]nder the unusual circumstances of this case . . . Mendenhall should be afforded an opportunity to present facts and legal arguments in response to the Division’s motion for summary disposition.” *Id.* at 1. Moreover, the Commission explained that “the interests of justice would be served, and the disposition of this matter expedited, by vacating the February 18 initial decision and directing that the law judge set a briefing schedule for the Division’s motion for summary disposition.” *Id.*

In accordance with the Commission’s directive, it is ORDERED that Mendenhall may file an opposition to the Division’s motion for summary disposition by May 1, 2015. The Division may file a reply by May 15, 2015.

IT IS SO ORDERED.

/S/ Carol Fox Foelak _____
Carol Fox Foelak
Administrative Law Judge