

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

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 4821/May 23, 2017

ADMINISTRATIVE PROCEEDING  
File No. 3-17674

In the Matter of

ALEXANDER KON

NOTICE OF STAY

This proceeding was stayed on April 21, 2017, based on the parties' agreement in principle to a settlement on all major terms. *Alexander Kon*, Admin. Proc. Rulings Release No. 4795, 2017 SEC LEXIS 1400, at \*1 (ALJ May 11, 2017). On May 19, 2017, the Division of Enforcement submitted a status update representing that the requirements of 17 C.F.R. § 201.161(c)(2) were no longer satisfied. The stay therefore lapsed on May 22, 2017. *Alexander Kon*, 2017 SEC LEXIS 1400, at \*1; *see* 17 C.F.R. § 201.161(c)(2)(ii).

However, in light of the U.S. Court of Appeals for the Tenth Circuit's recent decision denying rehearing en banc in *Bandimere v. SEC*, 844 F.3d 1168 (10th Cir. 2016), *reh'g and reh'g en banc denied*, No. 15-9586, 2017 WL 1717498 (10th Cir. May 3, 2017), the Securities and Exchange Commission has stayed all administrative proceedings assigned to an administrative law judge in which a respondent has the option to seek review in the Tenth Circuit of a final order of the Commission. *Pending Admin. Proc.*, Securities Act of 1933 Release No. 10365, 2017 WL 2224348 (May 22, 2017).

Respondent is a resident of Kansas and therefore would, under Section 9(a) of the Securities Act and Section 25(a) of the Securities Exchange Act of 1934, have the option to seek review in the Tenth Circuit of a final order of the Commission in this matter. 15 U.S.C. §§ 77i(a); 78y(a)(1); Order Instituting Proceedings at 1. Accordingly, this proceeding is stayed indefinitely.

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Cameron Elliot  
Administrative Law Judge