

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

Administrative Proceedings Rulings
Release No. 5346 / December 8, 2017

Administrative Proceeding
File No. 3-17595

In the Matter of

**Och-Ziff Capital Management
Group, LLC,
OZ Management LP,
Daniel S. Och, and
Joel M. Frank**

**Notice to the Parties and
Order Following the
Commission's Ratification of
Administrative Law Judge
Appointments**

The Securities and Exchange Commission issued an order instituting proceedings (OIP) on September 29, 2016. The OIP ordered that a public hearing shall be convened “following the entry of a final judgment against the last remaining defendant(s) in all actions related to the conduct described” in the OIP “to determine what, if any, civil penalties pursuant to Section 21(B)(a) of the Exchange Act against Respondent [Joel M.] Frank are in the public interest.” OIP at 34, 44-45. The parties have stipulated to service, but the proceeding is otherwise awaiting resolution of the related actions.

On November 30, 2017, the Commission issued an order ratifying the appointment of its administrative law judges and directing all administrative law judges with pending proceedings to: (1) reconsider the record in each proceeding, including all substantive and procedural actions; (2) allow the parties to file any new evidence that the parties deem relevant to the reexamination of the record by January 5, 2018; (3) determine whether to revise or ratify prior actions; and (4) issue by February 16, 2018, an order on ratification. *Pending Admin. Proc.*, Securities Act of 1933 Release No. 10440, 2017 SEC LEXIS 3724.¹

¹ The Commission's order is available at <https://www.sec.gov/litigation/opinions/2017/33-10440.pdf>.

The record in this proceeding is limited as I have issued only one order, which was procedural in nature. Nevertheless, in accordance with the Commission's order, the parties may submit by January 5, 2018, any evidence they consider relevant to my reexamination of my previous order. Any party that submits evidence must also file a brief explaining the relevance of the evidence and how it relates to my order. Any responsive or opposition brief is due January 19, 2018. In addition to the required filing with the Commission Secretary, I ask the parties to email a courtesy copy of their submissions to alj@sec.gov in PDF text-searchable format and, for briefs, in MS Word format if practicable.

Jason S. Patil
Administrative Law Judge