

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

Administrative Proceedings Rulings
Release No. 5974 / September 14, 2018

Administrative Proceeding
File No. 3-17950

In the Matter of
David Pruitt, CPA

**Order Directing Parties to
Confer and Submit Proposal**

This proceeding had been stayed by order of the Securities and Exchange Commission from June 21, 2018, through August 22, 2018, in light of the Supreme Court's decision in *Lucia v. SEC*, 138 S. Ct. 2044 (2018). *Pending Admin. Proc.*, Securities Act of 1933 Release No. 10536, 2018 SEC LEXIS 2058 (Aug. 22, 2018). Prior to the stay, I had set a prehearing schedule for the hearing scheduled to commence in October 2018. On September 7, 2018, the parties informed the Chief Administrative Law Judge that they elected to proceed before me and that Respondent waived any claim or entitlement under *Lucia* to a new hearing before another judge or the Commission itself. The parties have not yet agreed on which, if any, portions of the previously compiled evidentiary record to retain.

By September 28, 2018, the parties should confer and, if possible, submit a joint proposal regarding how they would like to proceed. The joint proposal or, in the absence of a joint proposal, the parties' separate proposals should include the parties' availability for a telephonic prehearing conference on October 4 or 5 or during the period of October 9 through 12.

James E. Grimes
Administrative Law Judge