

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

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 6134/October 3, 2018

ADMINISTRATIVE PROCEEDING  
File No. 3-18460

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In the Matter of

DAVID ALCORN :  
: ORDER

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The Securities and Exchange Commission instituted this proceeding with an Order Instituting Proceedings (OIP), pursuant to Section 15(b) of the Securities Exchange Act of 1934 on April 30, 2018. The proceeding is a follow-on proceeding based on *SEC v. Janus Spectrum, LLC*, No. 2:15-cv-609 (D. Ariz.), in which Respondent David Alcorn was enjoined from violating the antifraud provisions of the federal securities laws.

Thereafter, the proceeding was stayed: On June 21, 2018, “[i]n light of the Supreme Court’s decision in *Lucia v. SEC*,” 138 S. Ct. 2044 (2018), the Commission stayed all pending administrative proceedings, including this one; the stay was operative through August 22, 2018. *Pending Admin. Proc.*, Securities Act of 1933 Release Nos. 10510, 2018 SEC LEXIS 1490; 10522, 2018 SEC LEXIS 1774 (July 20, 2018). On August 22, 2018, the Commission ended the stay and ordered a new hearing in each affected proceeding before an administrative law judge who had not previously participated in the proceeding, unless the parties expressly agreed to alternative procedures, including agreeing that the proceeding remain with the previous presiding administrative law judge. *Pending Admin. Proc.*, Securities Act Release No. 10536, 2018 SEC LEXIS 2058, at \*2-3. Accordingly, the proceeding was reassigned to the undersigned. *Pending Admin. Proc.*, Admin. Proc. Rulings Release No. 5955, 2018 SEC LEXIS 2264 (C.A.L.J. Sept. 12, 2018).

Respondent and the Division of Enforcement should submit a joint proposal for the conduct of further proceedings by November 30, 2018. A party who is unable to agree should submit a separate proposal by that date. The record reflects that the OIP was received by Thomas E. Littler, Esq., Respondent’s attorney in *SEC v. Janus Spectrum*, by U.S. Postal Service certified mail delivery on May 3, 2018. The proposal should address the status of service of the OIP, including whether Mr. Littler represents Respondent in this proceeding. If so, Mr. Littler should file a notice of appearance in accordance with 17 C.F.R. § 201.102(d)(2).

IT IS SO ORDERED.

/s/ Carol Fox Foelak  
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Carol Fox Foelak  
Administrative Law Judge