

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

Administrative Proceedings Rulings
Release No. 6166 / October 11, 2018

Administrative Proceeding
File No. 3-18252

In the Matter of
Joseph Vitale

**Order Finding Service and
Directing Respondent to Show
Cause**

The Securities and Exchange Commission initiated this proceeding with an order instituting proceedings (OIP) on October 16, 2017, pursuant to Section 15(b) of the Securities Exchange Act of 1934. I provided the parties the opportunity to submit proposals for the conduct of this proceeding. *Joseph Vitale*, Admin. Proc. Rulings Release No. 6033, 2018 SEC LEXIS 2496 (ALJ Sept. 20, 2018). Only the Division of Enforcement has done so. The Division represents that it conferred with Respondent Joseph Vitale by telephone, and that Vitale confirmed service of the OIP, but stated that he does not intend to participate in this proceeding.

The Division's proposal attaches a legal mail log that it had previously obtained from the correctional institution at which Vitale is located and submitted on January 22, 2018. Based on that log and U.S. Postal Service tracking information, I find that Vitale was served with the OIP on October 27, 2017. Therefore, Vitale's answer was due November 20, 2017. OIP at 3; 17 C.F.R. §§ 201.160(a)-(b), .220(b). To date, Vitale has not filed an answer.

Accordingly, I ORDER Vitale to SHOW CAUSE by October 22, 2018, why he should not be found in default and this proceeding determined against him due to his failure to file an answer or otherwise defend the proceeding. OIP at 3; 17 C.F.R. §§ 201.155(a)(2), .220(f).

If Vitale does not respond to this order or otherwise participate in the proceeding, it is my intention to rely on the existing evidentiary record, including the Division's motion for sanctions filed on February 2, 2018. If the Division wishes to supplement that motion, it should do so by October 29, 2018.

Cameron Elliot
Administrative Law Judge