

REQUEST TO VACATE COLLATERAL BAR(S) IN LIGHT OF *BARTKO V. SEC*

Summary:

1. As a result of the decision of the United States Court of Appeals for the District of Columbia Circuit in *Bartko v. SEC*, the Securities and Exchange Commission has determined to grant requests to vacate collateral bars (*i.e.*, bars from industries with which the individual was not associated or not seeking to associate at the time of his or her securities law violation) that were imposed against individuals based entirely on conduct that occurred before the effective date of the Dodd-Frank Wall Street Reform and Consumer Protection Act (July 22, 2010).
2. The Commission has established an expedited program for eligible individuals to request that their collateral bars be vacated through the completion of this form.
3. This program applies only to collateral bars imposed based solely upon pre-Dodd-Frank misconduct. If we determine that you are eligible for relief under the program, all other bars and/or suspensions to which you are subject would remain in place.
4. If you attempt to associate in a new capacity in the securities industry in the future, the Commission may bring a separate follow-on proceeding to determine whether to impose any remedial sanctions under existing law.

Instructions:

1. To make a request that the Commission vacate your collateral bars, you must complete this form by providing all information sought below. Completing the form will facilitate the Commission's determination of your eligibility for the program. Do not submit any additional materials with this form. If the Commission determines that it needs additional information to determine your request, it will notify you.
2. Send three copies of your completed form to the following address:
Office of the Secretary
U.S. Securities and Exchange Commission
100 F Street, N.E.
Washington, D.C. 20549-1090
3. You will be notified of the Commission's determination of your request at the address you provide below.

Information to be provided by affected individual:

Name: Michael Kimelman

Address: 2005 Palmer Avenue, #152, Larchmont, NY 10538

I am subject to a collateral bar based solely on conduct that occurred before July 22, 2010. Yes No

Date of order imposing bar: March 20, 2012

Signature: 

Dated: 4.29.2020