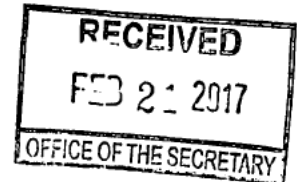


**UNITED STATES OF AMERICA**  
**Before the**  
**SECURITIES AND EXCHANGE COMMISSION**

**ADMINISTRATIVE PROCEEDING**  
**File No. 3-15314**



**In the Matter of**  
**RUSSELL K. CANNON,**  
**Respondent.**

**STIPULATED MOTION TO DISMISS**  
**RESPONDENT'S REQUEST TO**  
**VACATE**

The Division of Enforcement and Defendant Russell K. Cannon ("Cannon" or "Respondent") together submit this Stipulated Motion to Dismiss Respondent's Request to Vacate.

On May 3, 2013, the Commission issued an order making findings and imposing remedial sanctions against the Respondent which, among other things, barred the Respondent from association with any nationally recognized statistical rating organization ("NRSRO") or municipal adviser.

On March 7, 2016, in response to *Koch v. SEC*, 793 F.3d 147 (D.C. Cir. 2015), which determined that NRSRO and municipal adviser bars arising solely from conduct pre-dating the enactment date of the Dodd Frank Wall Street Reform and Consumer Protection Act (July 21, 2010) should not be imposed, the respondent filed a Request to Vacate the NRSRO and municipal adviser bars entered against him.

On February 1, 2017, the Court ordered that the Respondent and the Division of Enforcement submit briefing, by March 1, 2017, on the Respondent's Request to Vacate. Specifically, the Court requested that the parties address the question of whether conduct supporting imposition of the NRSRO and municipal advisor bars occurred on or after July 22, 2010.

Based on a determination that the alleged conduct underlying the imposition of the NRSRO and municipal adviser bars occurred after July 22, 2010, the Respondent has determined to not pursue his Request to Vacate. Accordingly, the parties jointly stipulate to dismiss the Respondent's Request to Vacate.

Based on the foregoing, the parties respectfully request that the Request to Vacate be dismissed, and that the briefing schedule set forth in the February 1, 2017 Order, be vacated.

Respectfully Submitted,



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/s/ Michael Coombs, Esq.  
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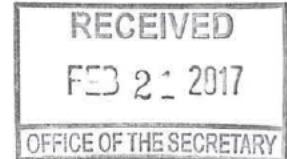
UNITED STATES  
**SECURITIES AND EXCHANGE COMMISSION**  
SALT LAKE DISTRICT OFFICE  
351 S. WEST TEMPLE  
SUITE 6.100  
**SALT LAKE CITY, UTAH 84101**

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February 17, 2017

**VIA UPS**

Securities and Exchange Commission  
Office of the Secretary  
100 F Street NE  
Mailstop 1090  
Washington, D.C. 20549 address




Re: In the Matter of  
Administrative Proceeding File Number 3-15314

To Whom It May Concern:

Pursuant to Rules 151 and 152 of the Commission's Rules of Practice, enclosed for filing is the original and three copies of the Division of Enforcement's Stipulated Motion to Dismiss Respondent's Request to Vacate.

Please feel free to call me if you have any questions.

Sincerely, 

  
Misty Kenter  
Paralegal Specialist  
(801) 524-3321

Enclosures

cc: Russell K. Cannon c/o J. Michael Coombs, Esq.