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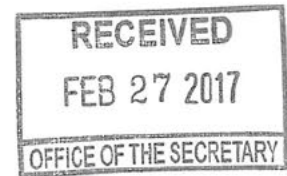
OF COUNSEL  
JALILA A. BELL

February 24, 2017

Via Federal Express

Brent Fields  
Office of the Secretary  
Securities and Exchange Commission  
100 F Street, N.E.  
Washington, DC 20549

Re: *In The Matter of Lee Heiss; File No. 3-15823*




Dear Mr. Fields:

This office represents Mr. Lee Heiss in the above-referenced matter. Please be advised that given the length of time that has transpired between Mr. Heiss' agreement with the Commission and the Order dated February 1, 2017 (copy enclosed), Mr. Heiss' bar has expired. Therefore, Mr. Heiss does not wish to pursue this matter any further and does not intend to submit any additional briefing. Mr. Heiss respectfully requests that this matter be withdrawn and/or closed.

Please do not hesitate to contact us with any questions you may have.

Very truly yours,

  
Robert M. Van De Veire

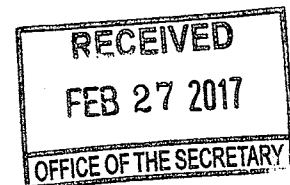
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UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934  
Release No. 79921 / February 1, 2017

INVESTMENT COMPANY ACT OF 1940  
Release No. 32464 / February 1, 2017

ADMINISTRATIVE PROCEEDING  
File No. 3-15823



In the Matter of  
  
LEE HEISS

ORDER REQUESTING  
ADDITIONAL  
BRIEFING

On April 4, 2014, the Commission issued an order making findings and imposing remedial sanctions (the "Order") against Lee Heiss. The Order, among other things, barred Heiss from association with any nationally recognized statistical rating organization ("NRSRO") or municipal advisor.<sup>1</sup> Subsequent to the Order, the Commission issued a statement regarding *Koch v. SEC*<sup>2</sup>—where the court vacated NRSRO and municipal advisor bars because the conduct that served as the basis for the bars predated the enactment of the Dodd Frank Wall Street Reform and Consumer Protection Act on July 21, 2010—and invited persons who had been barred from such associations to request that the bars be vacated if "all of the conduct relevant to such bar(s) occurred before July 22, 2010."<sup>3</sup>

On March 14, 2016, Heiss filed a request to vacate the NRSRO and municipal advisor bars entered against him. The Order appears, however, to contain allegations of misconduct supporting the bars that extends beyond July 21, 2010. As a result, the Commission's consideration of Heiss's request to vacate would be assisted by briefing on the question of whether relevant misconduct continued past July 21, 2010 and, if it did, whether the bars should be vacated notwithstanding such post Dodd-Frank misconduct.

<sup>1</sup> See *Visionary Trading LLC, Lightspeed Trading LLC, Andrew Actman, Joseph Dondero, Eugene Giaquinto, Lee Heiss, and Jason Medvin*, Exchange Act Release No. 71871, 2014 WL 1338258 (Apr. 4, 2014).

<sup>2</sup> *Koch v. SEC*, 793 F.3d 147, 158 (D.C. Cir. 2015) (finding "impermissibly retroactive" NRSRO and municipal advisor bars imposed based on conduct pre-dating Dodd-Frank).

<sup>3</sup> The Commission's statement is available at <http://www.sec.gov/news/statement/commission-statement-regarding-koch-v-sec.html>.

Accordingly, it is ORDERED that Lee Heiss and the Division of Enforcement are requested, by March 1, 2017 each to file a brief, not to exceed 5000 words, addressing the question of whether conduct supporting imposition of NRSRO and municipal advisor bars occurred on or after July 22, 2010 and, if so, whether Lee Heiss's request to vacate such bars should be granted. Each party shall also be permitted to file, by March 31, 2017, an opposition brief, not to exceed 2500 words.

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Brent J. Fields  
Secretary