

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-19838

<p>In the Matter of</p> <p>JOHN CHRISTOPHER POLIT,</p> <p>Respondent.</p>
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DIVISION OF ENFORCEMENT’S MOTION TO THE COMMISSION TO DISMISS
ADMINISTRATIVE PROCEEDINGS

The Division of Enforcement (“Division”), by counsel, hereby moves the Commission to dismiss this proceeding against Respondent John Christopher Polit (“Polit” or “Respondent”) brought pursuant to Section 15(b) of the Securities Exchange Act of 1934 (“Exchange Act”) and Section 203(f) of the Investment Advisers Act of 1940 (“Advisers Act”).

I. Brief in Support

The Commission issued the Order Instituting Proceedings (“OIP”) on June 29, 2020. This proceeding is a “follow-on” pursuant to Section 15(b) of the Exchange Act and Section 203(f) of the Advisers Act because Respondent was convicted of a crime in Ecuador. Specifically, he was “found guilty of being an accomplice to the crime of extortion” pursuant to Article 264, subsection 2, of the Ecuadorian Penal Code, for assisting another defendant, at the time Ecuador’s Comptroller General, in “concealing bribes received from a Brazilian construction company in exchange for granting that construction firm Ecuadorian government contracts and favors.” OIP, ¶¶ 2-3. Respondent appealed the guilty verdict to an intermediate appellate court, but the appeal

was denied. *Id.*, 2. Respondent subsequently filed a further appeal to the Ecuadorian National Court of Justice (“National Court”), which sits as the highest court of appeal.

The Division has learned -- and the Ecuadorian authorities have confirmed -- that the National Court reversed the conviction of the Respondent and no further proceedings are contemplated. The National Court is expected to issue a formal judgment within a few weeks, and upon its receipt, the Division will supplement this Motion with a notice of filing. Because the basis for this proceeding was Respondent being convicted of a crime in Ecuador and the conviction has now been reversed by the highest court of appeal, the Division believes it prudent for the Commission to dismiss this matter.

II. Conclusion

For the reasons set forth above, the Division respectfully requests that the Commission order dismissal of the OIP against Polit.

Dated: December 18, 2020

Respectfully submitted,

/s/ Alice K. Sum

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CERTIFICATE OF SERVICE

I hereby certify that an original and three copies of the foregoing were filed with the Securities and Exchange Commission, Office of the Secretary, 100 F Street, N.E., Washington, D.C. 20549-9303, and that a true and correct copy of the foregoing has been served on this 18th day of December 2020, on the following persons entitled to notice:

VIA E-MAIL

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/s/ Alice K. Sum

Alice K. Sum