

1
2 UNITED STATE OF AMERICA
3 BEFORE THE
4 SECURITIES EXCHANGE COMMISSION
5

6 January 24, 2023

7 Administrative Proceeding

8 File No. 3-21125
9

10 IN THE MATTER OF,

11 Jacob C. Glick,

12 Respondent

RESPONDENT'S REPLY IN OPPOSITION
TO DIVISION OF ENFORCEMENT'S
OPPOSITION TO RESPONDENT'S
MOTION FOR RULING ON THE
PLEADINGS

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18 Respondent Jacob C. Glick ("Glick" or "Respondent") files as follows this reply
19 in Opposition to the Division of Enforcement's Opposition to Respondent's Motion for a Ruling
20 on the Pleadings pursuant to Rule 250(a) of the Commission's Rules of Practice, 17 C.F.R. §
21 201.250.
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23 **Section I**

24 **Background**

25 1. On December 16, 2022, the Securities and Exchange Commission's
26 ("Commission") Division of Enforcement ("Division") filed a reply in opposition to
27 respondent's motion for a ruling on the pleadings. In their response, the Division asserts the
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1 following: “the five-year statute of limitations of § 2462 does not apply in this case because a
2 follow-on proceeding seeking an industry-wide bar is not ‘for the enforcement of any civil fine,
3 penalty, or forfeiture, pecuniary or otherwise’ within the meaning of § 2462.” Unlike civil
4 penalties or fines, industry bars can “fairly be said solely to serve a remedial purpose” – and thus
5 fall outside of § 2462’s scope – because industry bars are aimed at forestalling future violations,
6 rather than punishing past violations.
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8 **Section II**

9 **Argument**

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11 1. SEC enforcement actions are subject to a five-year statute of limitations, the
12 “clock” cannot be reset simply due to the venue in which these actions are taken. The
13 Commission was capable of pursuing enforcement, including the seeking of any industry-wide
14 bar and/or suspension, through an administrative proceeding. However, the Division chose to
15 pursue action through Civil court. In turn, they assert, “The Commission could have barred or
16 suspended him from associating with an investment adviser through follow-on proceedings only
17 after he was permanently or temporarily enjoined by a court.”. One might agree with such a
18 position had the court been the only avenue made available to the Commission. Which was not
19 the case.
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21 The logic outlined by the Division would provide them, in this specific case, more
22 than a decade’s time before the statutes of limitations would apply. Five years to initiate court
23 proceedings, two to three years of civil court proceedings, and another five years for the “follow-
24 on proceedings”. By such logic, the Commission could theoretically take 15 – 20+ years, based
25 on any given case’s complexity and the amount of time spent in civil court, before the statute of
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Respectfully submitted,

/s/

Jacob C. Glick

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