

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

**ADMINISTRATIVE PROCEEDING**  
**File No. 3-21303**

**In the Matter of**

**Bradley C. Reifler,**  
  
**Respondent.**

**UNOPPOSED MOTION TO  
DENY A PENDING MOTION AS  
MOOT AND STAY THIS  
PROCEEDING IN  
ACCORDANCE WITH RULE  
161(c)(2)(i) BASED ON  
AGREEMENT IN PRINCIPLE  
TO SETTLEMENT**

In accordance with Commission Rule of Practice 161(c)(2)(i), the Division of Enforcement (“Division”) hereby files an Unopposed Motion to Deny a Pending Motion as Moot and Stay this Proceeding (“Motion”) based on the Division and Respondent Bradley C. Reifler’s (“Respondent”) having an agreement in principle to all major terms. However, the parties need sufficient time for the Respondent (who is incarcerated) to receive by mail and execute and return the written settlement document to the Division, and for the Commission to consider the settlement offer.

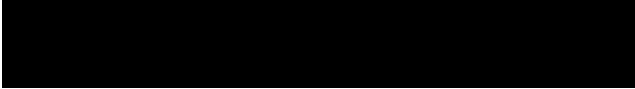
Presently, this case has not been assigned to a hearing officer, there is one pending motion, Respondent’s Renewed Motion for Stay Due to Lack of Access (“Renewed Motion to Stay”), that has not been fully briefed, and as noted above, the parties have reached a settlement in principle to all major terms.

Therefore, in accordance with Rule of Practice 161(c)(2),<sup>1</sup> the parties need sufficient time for Respondent to execute the written settlement offer (which will likely take longer than normal for him to receive and return to the Division, because he is incarcerated) and for the Commission to consider the settlement offer. The Division is requesting 30 days from the date of entry of the Commission's ruling on this Motion for the Respondent to provide to the Division his executed settlement offer and an additional 60 days for Division to present its recommendation to the Commission. Moreover, the Division has agreed that if either of these deadlines are not met or if the Commission rejects the settlement offer, the Division will file a status report within 7 days of that event.

Furthermore, since the parties have reached a settlement in principle, the Division is requesting that the Commission deny without prejudice the Renewed Motion to Stay (that has not been fully briefed), because the Motion will be moot if the Commission accepts the settlement offer.

Lastly, this motion is unopposed. On July 7, 2023, undersigned counsel conferred with Reifler via the phone and he confirmed he had no objection to the requested relief.

Respectfully submitted this 11th day of July, 2023.

  
Christopher E. Martin, Esq.  
Terry R. Miller, Esq.  
Division of Enforcement

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<sup>1</sup> Rule of Practice 161(c)(2) governs stays pending Commission consideration of an offer of settlement only in administrative proceedings that have been set before a hearing officer. 17 C.F.R. § 201.161(c)(2). As noted above a hearing officer has not been assigned to this proceeding; thus, the Commission is not bound to follow the deadlines set forth in 161(c)(2). Nonetheless, Rule 161(c)(2) provides a useful framework for the Commission to consider when deciding whether to grant a stay.

Securities and Exchange Commission  
Denver Regional Office  
1961 Stout Street, Ste. 1700  
Denver, CO 80294

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the Division of Enforcement's Notice of Appearance was served on the following on this 11th day of July 2023, in the manner indicated below:

Securities and Exchange Commission  
Vanessa Countryman, Secretary  
100 F Street, N.E.  
Mail Stop 1090  
Washington, D.C. 20549  
(Via eFap filing system)

OIP 3617/3-21303/1A-6242/MH  
Inmate Mr. Bradley C. Reifler  
Register Number 20251-509  
Two Mile Drive  
c/o Otisville Federal Correctional I  
P.O. Box 1000  
Otisville, New York 10963  
*Respondent*  
(Via U.S. Mail Certified)

s/ Jennifer Shelby \_\_\_\_\_