

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 93681 / November 29, 2021

INVESTMENT ADVISERS ACT OF 1940
Release No. 5915 / November 29, 2021

Admin. Proc. File No. 3-19323

In the Matter of SEAN KELLY

ORDER DIRECTING SUBMISSION FROM THE DIVISION OF ENFORCEMENT

On August 7, 2019, the Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) against Sean Kelly pursuant to Section 15(b) of the Securities Exchange Act of 1934 and Section 203(f) of the Investment Advisers Act of 1940.¹ On October 22, 2020, the Division of Enforcement filed a status report, which established that service of the OIP was made on Kelly on October 15, 2020. Kelly did not subsequently file an answer to the OIP.

On April 12, 2021, the Commission issued an order requiring Kelly to show cause by April 26, 2021, why he should not be deemed to be in default and why this proceeding should not be determined against him due to his failure to file an answer and to otherwise defend this proceeding.² If Kelly did not file a response, the order required the Division to file a motion for default and other relief by May 24, 2021.³ Although Kelly did not respond to the order to show cause, the Division did not file a motion for default and other relief.

On August 7, 2021, the Commission issued an additional order directing the Division to file a motion for default and other relief by September 20, 2021.⁴ The Division did not so, and it made no other filing in response to the order. Accordingly, the Division of Enforcement is ORDERED to file a motion for default and other relief by December 27, 2021.

¹ *Sean Kelly*, Exchange Act Release No. 86595, 2019 WL 3716361 (Aug. 7, 2019); *see also* 15 U.S.C. §§ 78o(b), 80b-3(f).

² *Sean Kelly*, Exchange Act Release No. 91538, 2021 WL 1351212, at *1 (Apr. 12, 2021).

³ *Id.*

⁴ *Sean Kelly*, Exchange Act Release No. 92733, 2021 WL 3726148, at *1 (Aug. 23, 2021).

The parties' attention is directed to the most recent amendments to the Commission's Rules of Practice, which took effect on April 12, 2021, and which include new e-filing requirements.⁵

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

Vanessa A. Countryman
Secretary

⁵ *Amendments to the Commission's Rules of Practice*, Exchange Act Release No. 90442, 2020 WL 7013370 (Nov. 17, 2020), 85 Fed. Reg. 86,464, 86,474 (Dec. 30, 2020), <https://www.sec.gov/rules/final/2020/34-90442a.pdf>; *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. The amendments impose other obligations such as a new redaction and omission of sensitive personal information requirement. *Amendments to the Commission's Rules of Practice*, 85 Fed. Reg. at 86,465-81.