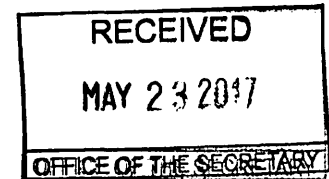


UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION



ADMINISTRATIVE PROCEEDING
File No. 3-17856

In the Matter of

JOHN AUSTIN GIBSON, JR.,

Respondent.

HARD COPY

**DIVISION OF ENFORCEMENT'S SUPPLEMENTAL BRIEF
IN SUPPORT OF ITS MOTION FOR ENTRY OF DEFAULT**

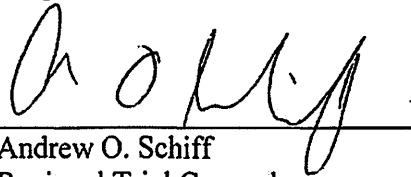
Pursuant to the Law Judge's Order (AP Rulings Release No. 4791, May 8, 2017), the Division of Enforcement ("Division") submits this supplemental brief in support of its Motion for Entry of Default Against Respondent John Gibson.

The Division withdraws its request that Gibson be barred from associating with a municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization (the "Dodd-Frank Bars"). The Dodd-Frank Bars may not be applied in a manner that "create[s] new legal consequences for past conduct." *Koch v. SEC*, 793 F.3d 147, 158 (D.C. Cir. 2015). As relevant to Gibson's situation, Advisers Act § 203(f) requires a showing that Gibson "at the time of the alleged misconduct [was] associated . . . with an investment adviser . . ." Therefore, under *Koch*, imposition of the Dodd-Frank Bars would require evidence that Gibson's association with an investment adviser and his misconduct both continued subsequent to July 2010.

Here, the only evidence consists of the factual basis accompanying Gibson's plea, which the Division believes lacks enough specific information about Gibson's conduct subsequent to his March 2009 resignation from MetLife Securities to demonstrate that he continued thereafter to act as a person associated with an investment adviser. Therefore, the Division withdraws its request that the Dodd-Frank Bars be imposed.

May 22, 2017

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A O Schiff', written over a horizontal line.

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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 by overnight, on this 22nd day of May 2017, on the following persons entitled to notice:

The Honorable James E. Grimes
Administrative Law Judge
Securities and Exchange Commission
100 F Street, N.E.
Washington, D.C. 20549

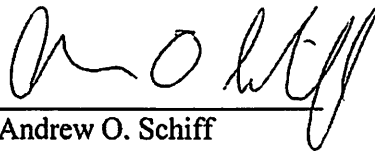
John Austin Gibson, Jr.

Inmate Number [REDACTED]

[REDACTED]
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Pro Se



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