

UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 3514/January 15, 2016

ADMINISTRATIVE PROCEEDING  
File No. 3-16795

In the Matter of  
  
JOSEPH J. FOX

ORDER REQUESTING SUPPLEMENTAL  
BRIEFING

On September 8, 2015, the Securities and Exchange Commission instituted proceedings against Respondent directing the determination of what, if any, non-financial remedial sanctions under Section 15(b)(6) of the Securities Exchange Act of 1934 are in the public interest. Briefing on the Division of Enforcement's motion for summary disposition was completed yesterday.

The Division's motion and its reply brief appear to lack any discussion of Respondent's scienter, one of the factors I must consider when determining whether the sanctions sought by the Division are in the public interest. *See Gary M. Kornman*, Exchange Act Release No. 59403, 2009 SEC LEXIS 367, at \*22 (Feb. 13, 2009) (citing *Steadman v. SEC*, 603 F.2d 1126, 1140 (5th Cir. 1979), *aff'd on other grounds*, 450 U.S. 91 (1981)). Respondent disputes that he acted with scienter, and my evaluation of this factor would be aided by additional information. Accordingly, it is ORDERED that the Division may file a supplemental brief addressing the limited issue of Respondent's scienter by February 5, 2016, and Respondent may file a reply by February 19, 2016.

SO ORDERED.

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Cameron Elliot  
Administrative Law Judge