

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

ADMINISTRATIVE PROCEEDINGS RULINGS

Release No. 2018 / November 13, 2014

ADMINISTRATIVE PROCEEDING

File No. 3-16155

In the Matter of

NICHOLAS ROWE

ORDER FOLLOWING
PREHEARING CONFERENCE

On September 23, 2014, the Securities and Exchange Commission issued an Order Instituting Administrative Proceedings (OIP) against Respondent pursuant to Section 203(f) of the Investment Advisers Act of 1940. Respondent filed his Answer on November 10, 2014.

I held a prehearing conference today, attended by the Division of Enforcement and Respondent. I granted the Division leave to file a motion for summary disposition pursuant to Rule of Practice 250. *See* 17 C.F.R. § 201.250. The Division also intends to move to amend the OIP. *See* 17 C.F.R. § 201.200(d)(2).

The following procedural schedule is set:

December 8, 2014: The Division's motions for summary disposition and to amend the OIP are due.

February 9, 2015: Respondent's opposition is due.

February 17, 2015: The Division's reply, if any, is due.

April 6, 2015: A hearing shall commence in Boston, Massachusetts, if this matter cannot be resolved by summary disposition.

The Division's motion shall include: 1) proposed findings of fact with citations to supporting evidence or documents; 2) proposed conclusions of law addressing, among any other issues, the statutory basis for this action and why the Division believes summary disposition is appropriate; and 3) what sanctions are in the public interest, including a discussion of the public interest factors under *Steadman v. SEC*, 603 F.2d 1126, 1140 (5th Cir. 1979), *aff'd on other grounds*, 450 U.S. 91 (1981), with citations to supporting evidence or documents. *See Ross Mandell*, Exchange Act Release No. 71668, 2014 SEC LEXIS 849, at *7-8 (Mar. 7, 2014). In his opposition, Respondent will then address whether he agrees or disagrees with the Division's

arguments and the relief it seeks, and may set forth his own proposed findings and conclusions, with supporting evidence or documents. The parties are encouraged to file their supporting evidence or documents, if any, with a declaration identifying each exhibit with a short description.

The parties' submissions and any evidence or documents in support shall be filed with the Commission's Office of the Secretary in hard-copy paper format, pursuant to Rules 151 and 152.17 C.F.R. §§ 201.151, .152. An electronic courtesy copy may be emailed to ALJ@sec.gov. However, an electronic copy does not replace the required paper filing.

Jason S. Patil
Administrative Law Judge