

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 737/January 2, 2013

ADMINISTRATIVE PROCEEDING
File No. 3-14849

In the Matter of	:	
	:	ORDER DISCONTINUING
DAVID E. HOWARD II	:	PROCEEDING
	:	

On April 17, 2012, the Securities and Exchange Commission (Commission) instituted this proceeding with an Order Instituting Administrative Proceedings (OIP), pursuant to Section 203(f) of the Investment Advisers Act of 1940. On January 2, 2013, the Division of Enforcement (Division) submitted a Motion to Discontinue Administrative Proceeding (Motion). In the Motion, the Division describes multiple unsuccessful attempts to serve the OIP on Respondent, including through its normal procedures and employing a process server. The Division also conferred with the U.S. Attorney's Office for the Eastern District of New York, another Regional Office of the Commission, and the Commodity Futures Trading Commission, all of whom were also attempting to locate Respondent. These efforts resulted in obtaining two additional possible addresses, but a process server sent to these new addresses determined the addresses are not valid. The Division then contacted the U.S. Postal Service to determine if there is any forwarding address information available and there is none. The Division has no further leads and believes that further efforts would not be productive.

Ruling

The Commission has delegated to the Chief Administrative Law Judge the authority to "grant motions of staff counsel to discontinue administrative proceedings as to a particular respondent who has died or cannot be found, or because of a mistake in the identity of a respondent named in the order for proceedings." 17 C.F.R. § 200.30-10(a)(8).

Based on the above, I GRANT the Motion and ORDER that the proceeding is discontinued.

Brenda P. Murray
Chief Administrative Law Judge