

UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 738/January 2, 2013

ADMINISTRATIVE PROCEEDING  
File No. 3-14991

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In the Matter of	:	
	:	ORDER DISCONTINUING
TYSON D. ELLIOTT	:	PROCEEDING
	:	

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On August 20, 2012, the Securities and Exchange Commission (Commission) instituted this proceeding with an Order Instituting Administrative Proceedings (OIP), pursuant to Section 15(b) of the Securities Exchange Act of 1934. 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 process server located possible addresses for Respondent in Colorado, California, and Pennsylvania. Process servers attempted service in Colorado and California. Service by mail was attempted at those addresses. A process server in Pennsylvania was met with “no trespassing” signs, making it illegal for him to enter the property. The Division then hired the town constable who found no one there, no evidence of recent occupation, and no evidence that Respondent lives there. Service by mail was also attempted at the Pennsylvania address. 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.

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Brenda P. Murray  
Chief Administrative Law Judge