

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

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 1957/October 29, 2014

ADMINISTRATIVE PROCEEDING  
File No. 3-15820

In the Matter of

DELSA U. THOMAS AND  
THE D. CHRISTOPHER CAPITAL  
MANAGEMENT GROUP, LLC

ORDER ON RESPONDENTS' REQUEST  
FOR AN EXTENSION

The Securities and Exchange Commission (Commission) issued an Order Instituting Proceedings (OIP) on April 2, 2014, pursuant to Sections 203(e) and 203(f) of the Investment Advisers Act of 1940 against Delsa U. Thomas (Thomas) and The D. Christopher Capital Management Group, LLC (collectively, Respondents).

On July 22, 2014, the Division of Enforcement (Division) filed its Motion for Summary Disposition. Subsequently, I determined that supplemental briefing was necessary, and ordered the parties to file supplemental briefing by Friday, October 17, 2014. *Delsa U. Thomas*, Admin Proc. Rulings Release No. 1811, 2014 SEC LEXIS 3399 (Sept. 16, 2014). On October 17, 2014, the Division filed its supplemental briefing with exhibits. On October 19, 2014, this Office received an email from Thomas, containing Respondents' supplemental brief and referencing several exhibits that were to be sent to this Office via Federal Express. On October 27, 2014, having not yet received Respondents' exhibits, I ordered Respondents to provide this Office those exhibits by today. *Delsa U. Thomas*, Admin. Proc. Rulings Release No. 1949, 2014 SEC LEXIS 4037.

On October 28, 2014, this Office received, via email, a letter from Maureen E. Blyden, claiming to be Thomas's sister and responding on her behalf. Blyden stated that Thomas had been out of the country on business, and was detained upon re-entry in a San Francisco-area jail since October 23, 2014, purportedly due to a warrant issued by the FBI after this matter was referred to them by the Commission. On behalf of Thomas, Blyden requested an extension of at least thirty days to allow Thomas to be transferred to Texas and be released on bail.

Under Commission Rule (Rule) of Practice 161, the factors to consider in determining whether to grant a motion for extension include

- (i) the length of the proceeding to date; (ii) the number of postponements, adjournments or extensions already granted; (iii) the stage of the proceedings at the time of the request; (iv) the impact of the request on the

hearing officer's ability to complete the proceeding in the time specified by the Commission; and (v) any other such matters as justice may require.

17 C.F.R. § 201.161(b). Rule 161 also instructs the hearing officer to consider “any other relevant factors” and to “adhere to a policy of strongly disfavoring such requests, except in circumstances where the requesting party makes a strong showing that the denial of the request or motion would substantially prejudice their case.” *Id.*

These factors weigh heavily against granting this request for an extension. Weighing most heavily is the fact that the Initial Decision is due by November 5, 2014,<sup>1</sup> and the extension would prevent me from completing the proceeding by that time. Moreover, not including this request, Respondents have already requested three extensions and received two. *See Delsa U. Thomas*, Admin. Proc. Rulings Release No. 1691, 2014 SEC LEXIS 2879 (Aug. 11, 2014). This proceeding has also been unusually lengthy, extending, as of today, for 203 days out of the allotted 210 days, due in part to delays caused by the Respondents.<sup>2</sup> Lastly, an extension is simply not warranted because, irrespective of Thomas's arrest on October 23, 2014, Respondents were aware for over a month that briefing and evidence was due by October 17, 2014, but neglected to submit any evidence by that deadline.

Accordingly, the request for an extension is DENIED. The dates set in my October 27, 2014, order continue to stand.

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Cameron Elliot  
Administrative Law Judge

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<sup>1</sup> Respondents were served with the OIP on April 9, 2014. *Delsa U. Thomas*, Admin. Proc. Rulings Release No. 1469, 2014 SEC LEXIS 1824 (May 28, 2014). The Commission has ordered that the Initial Decision should be issued within 210 days of service of the OIP. OIP at 3.

<sup>2</sup> For example, the prehearing conference in this proceeding was postponed for over a month due to Respondents' failure to respond to the OIP or communicate with the Division. *Delsa U. Thomas*, Admin. Proc. Rulings Release No. 1390, 2014 SEC LEXIS 1371 (Apr. 21, 2014).