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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 3350/November 24, 2015

ADMINISTRATIVE PROCEEDING
File No. 3-16590

In the Matter of:
BRIAN J. OURAND

ORDER


The Division argues that the testimony sought by the McCarthy subpoena is not relevant to any issue in the proceeding. Previously, Ourand had been ordered to show the general relevance and reasonable scope of the testimony sought from each subpoenaed person.² In response, as to the resubmitted McCarthy subpoena, Ourand stated, in full, “Auditor/Compliance Officer.” This does not show any relevance or scope of the testimony sought, and compliance with the subpoena would be unreasonable. See Rule 232(b), (e)(2). Accordingly, it will not be issued.

Some of the additional subpoenas are directed to an office, e.g., “Western Union, Attn: Correspondence Desk,” without identifying an individual whose testimony Ourand proposes to offer. Ourand is reminded that only natural persons are capable of testifying.


IT IS SO ORDERED.

/S/ Carol Fox Foelak
Carol Fox Foelak
Administrative Law Judge

¹ Pursuant to Rule 232(e), “any party may . . . request that the subpoena be quashed.”

² As originally submitted, Ourand’s request did not “show the general relevance and reasonable scope of the testimony . . . sought.” See Rule 232(b); Brian J. Ourand, 2015 SEC LEXIS 4391, at *1.