

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 3388/December 10, 2015

ADMINISTRATIVE PROCEEDING
File No. 3-16590

In the Matter of

BRIAN J. OURAND

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ORDER

The hearing in this proceeding is scheduled to commence on December 14, 2015. Previous orders addressed Brian J. Ourand's request, pursuant to 17 C.F.R. 201.232 (Rule 232), for subpoenas seeking the attendance of witnesses to testify at the hearing. *Brian J. Ourand*, Admin. Proc. Rulings Release Nos. 3257, 2015 SEC LEXIS 4391 (A.L.J. Oct. 26, 2015); 3287, 2015 SEC LEXIS 4523 (A.L.J. Nov. 3, 2015); 3350, 2015 SEC LEXIS 4874 (A.L.J. Nov. 24, 2015). Under consideration is a motion to quash, in the form of a December 8, 2015, letter from Lana L. Rupprecht, Counsel,¹ a subpoena directed to "Western Union, Attn: Correspondent Desk." The motion notes that Western Union received the subpoena by fax, and no phone number of identifying information for the party who requested the subpoena, Ourand, were provided. Additionally, the motion states that it is unclear what testimony is being requested, so that Western Union is unable to identify an appropriate witness. Finally, Ourand has not provided any travel expenses or witness fees

The Western Union subpoena will be quashed in light of the defects enumerated. It is noted that previous orders referenced above reminded Ourand of the requirement that he tender fees² and 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 person to whom a subpoena is directed . . . may . . . request that the subpoena be quashed."

² Rule 232(d) provides: "*Tender of Fees Required.* When a subpoena compelling the attendance of a person at a hearing . . . is issued at the instance of anyone other than an officer or agency of the United States, service is valid only if the subpoena is accompanied by a tender to the subpoenaed person of the fees for one day's attendance and mileage specified by [Rule 232(f)]."