

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 4095/August 26, 2016

ADMINISTRATIVE PROCEEDING
File No. 3-17218

In the Matter of

DANIEL CHRISTIAN STANLEY POWELL

ORDER GRANTING MOTION
TO AMEND THE ORDER
INSTITUTING PROCEEDINGS

The Securities and Exchange Commission initiated this proceeding against Respondent Daniel Christian Stanley Powell in April 2016 by issuing an order instituting proceedings (OIP) under Section 15(b) of the Securities Exchange Act of 1934. OIP at 1; *see* 15 U.S.C. § 78o(b). In July, the Division of Enforcement filed a dispositive motion seeking imposition of the full range of associational bars listed in Exchange Act Section 15(b)(6)(A). Mot. at 1 & n.1, 9; *see* 15 U.S.C. § 78o(b)(6)(A). Thereafter, I noted in an order that the Division’s motion did not fully explain, in light of the OIP’s allegations concerning the period of Powell’s association with a broker-dealer, why barring him from associating with municipal advisors and nationally recognized statistical rating organizations would not raise retroactivity concerns. *Daniel Christian Stanley Powell*, Admin. Proc. Rulings Release No. 4038, 2016 SEC LEXIS 2662 (ALJ Aug. 2, 2016). The Division subsequently filed a motion to amend the relevant portion of the OIP—paragraph 1 of Section II.A—in the following manner (deletions struck through, insertions underlined):

From ~~May 2009~~March 2010 through September ~~2009~~2010, which includes a portion of the time in which Respondent engaged in the conduct underlying the complaint described below, Respondent was a registered representative associated with Tradespot Markets Inc., a broker-dealer registered with the Commission.

See Div. Br. at 1; Van Havermaat Decl. Ex. 2 at 1. Powell has not responded to the Division’s motion.

The proposed amendment is “within the scope of the original” OIP. 17 C.F.R. § 201.200(d)(2). Moreover, in revising the dates of Powell’s alleged association with a broker-dealer, the proposed amendment’s “purpose is merely to correct an error in pleading, [and] to conform the pleadings to the proof,” and thus “should be freely granted” if Powell “should not be surprised nor . . . [his] rights be prejudiced.” *Carl L. Shipley*, Investment Advisers Act of 1940 Release No. 419, 1974 WL 161761, at *4 (June 21, 1974). During a May 26, 2016 prehearing conference, Powell was informed on the record of the apparent date range error and the dates that the Division asserts are correct. Tr. 18-20. The Division also represents

that it communicated this information to Powell during telephone discussions with him on April 27 and 28, 2016. Div. Br. at 2.

Given the foregoing and lack of any response from Powell, the Division's motion to amend the OIP is GRANTED. I ORDER that paragraph 1 of Section II.A of the OIP shall be AMENDED in the manner described above, and that the word "AMENDED" shall be added to the beginning of the OIP's title.

James E. Grimes
Administrative Law Judge