

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 4154/September 14, 2016

ADMINISTRATIVE PROCEEDING
File No. 3-17372

In the Matter of

ISLAND TRADER LLC AND
RICHARD H. NICKLES

ORDER POSTPONING HEARING
AND SCHEDULING PREHEARING
CONFERENCE

On August 10, 2016, the Securities and Exchange Commission issued an order instituting proceedings (OIP) against Respondents pursuant to Section 15(b) of the Securities Exchange Act of 1934 and Section 203(f) of the Investment Advisers Act of 1940. A hearing is currently scheduled for September 19, 2016.

On September 14, 2016, the Division of Enforcement filed a motion to adjourn the hearing and schedule a prehearing conference because “neither of the respondents has answered the complaint, and because it appears that the proceedings against the respondents will likely be resolved by default.” Br. at 2. In its brief in support of the motion, the Division states that counsel for Respondents was served with the OIP by registered mail and that the date of service is uncertain, but that service occurred, at the latest, on August 29, 2016, when the return receipt was received by the Commission. *Id.* The Division represents that it has attempted to contact Respondents’ counsel on several occasions by telephone, email, and U.S. mail but has received no response. *Id.* The Division also notes that although it believes it would be premature to request an order finding Respondents in default at this time, if Respondents do not file answers by September 19, 2016, it intends to make such a request. *Id.*

The Division’s motion is GRANTED and the hearing is POSTPONED *sine die*. I ORDER that a telephonic prehearing conference be held on September 29, 2016, at 3:00 p.m. EDT. In light of the fact that Respondents’ counsel is not responding to the Division’s inquiries, it is unclear whether counsel is authorized to accept service on Respondents’ behalf and whether service has been effected. Even if Respondents do not file answers by September 19, 2016, any motion for default would be premature. Whether or not service has been effected on Respondents will be discussed at the prehearing conference.

Cameron Elliot
Administrative Law Judge