

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 4443/December 13, 2016

ADMINISTRATIVE PROCEEDING
File No. 3-17699

In the Matter of

SHERVIN NEMAN and
NEMAN FINANCIAL, INC.

ORDER POSTPONING
HEARING AND DIRECTING
DIVISION TO CONFER WITH
RESPONDENT'S COUNSELOR

The Securities and Exchange Commission issued an order instituting proceedings (OIP) on November 29, 2016, pursuant to Sections 203(e) and 203(f) of the Investment Advisers Act of 1940. A hearing is currently scheduled for December 28, 2016.

On December 12, 2016, the Division of Enforcement submitted a motion to postpone the hearing. In its motion it asserts that Respondents were served with the OIP on November 29, 2016, it is not possible to confer with Respondent Shervin Neman regarding a suggested date and time for a prehearing conference because he is incarcerated, and the Division is unavailable during the week of December 26, 2016 (and possibly either the week before or after that week as well). The Division "requests adequate time to file any dispositive motion papers," "expects to be able to file such papers in mid to late January, and requests that the hearing either be taken off calendar or rescheduled to a later date." Motion at 2.

Tracking information provided by the Office of the Secretary and entered into the U.S. Postal Service's website shows that the OIP was "Delivered, To Agent" on December 5, 2016. The Secretary has not received the return receipt and it is unclear whether or on what date Respondents were served with the OIP. A telephonic prehearing conference is necessary to discuss the date of service with Respondents and to establish a prehearing and/or hearing schedule for this proceeding. *See* 17 C.F.R. § 201.221.

I GRANT the Division's motion and POSTPONE the hearing. I ORDER the Division to confer with Neman's counselor at CI Taft to determine dates and times when Neman is available to participate in a telephonic prehearing conference January 3-6, 9-10, or 25-27.

Jason S. Patil
Administrative Law Judge