

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 4714/March 28, 2017

ADMINISTRATIVE PROCEEDING
File No. 3-17848

In the Matter of

JAMES P. GRIFFIN

ORDER FOLLOWING PREHEARING
CONFERENCE

The Securities and Exchange Commission issued an order instituting proceedings (OIP) on February 16, 2017, alleging that on July 18, 2016, a jury found James P. Griffin guilty on ten counts of mail fraud, eight counts of wire fraud, and five counts of money laundering in *United States v. Griffin*, No. 15-cr-207 (N.D.N.Y.), and that on December 16, 2016, Griffin was sentenced to sixty months' imprisonment, followed by three years of supervised release, and ordered to pay restitution of \$2,153,530.93. OIP at 2-3. The OIP also alleges that the stay in a parallel civil proceeding initiated on July 30, 2015, *SEC v. Griffin*, No. 15-cv-0927 (N.D.N.Y.), was lifted on July 25, 2016. *Id.* Griffin was served with the OIP between February 21 and March 2, 2017.

On March 21, 2017, Griffin, appearing pro se, filed a two-page letter responding to a March 7, 2017, letter from the Division of Enforcement. Griffin's letter states that he pleaded not guilty in his criminal trial, he is working with an attorney on an appeal, and this administrative proceeding should be continued until his appeal is resolved. I consider this letter to be Griffin's answer for purposes of Commission Rule of Practice 220, which requires a respondent to file an answer. 17 C.F.R. § 201.220.

On March 22, 2017, I denied Griffin's request to delay this proceeding until his appeal in the criminal case is resolved. *James P. Griffin*, Admin. Proc. Rulings Release No. 4701, 2017 SEC LEXIS 882.

The Division and Griffin participated in a prehearing conference on March 27, 2017. At the conference, I determined that this proceeding is best resolved by a motion for summary disposition.¹ 17 C.F.R. § 201.250(b). I ORDER that the Division's motion is due April 18, Griffin's opposition to the motion is due May 9, and the Division's reply is due May 30, 2017.

Brenda P. Murray
Chief Administrative Law Judge

¹ The Division is directed to file a statement on whether it has complied with Rule 230 and made the investigative file available to Griffin for inspection and copying. 17 C.F.R. § 201.230(a).