

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

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 4771/April 26, 2017

ADMINISTRATIVE PROCEEDING  
File No. 3-17651

In the Matter of

ADRIAN D. BEAMISH, CPA

ORDER FOLLOWING  
PREHEARING CONFERENCE

On October 31, 2016, the Securities and Exchange Commission issued an order instituting proceedings against Respondent pursuant to Section 4C of the Securities Exchange Act of 1934 and Rule 102(e) of the Commission's Rules of Practice. The hearing is scheduled to commence on May 8, 2017.

A final telephonic prehearing conference was held yesterday and attended by counsel for the Division of Enforcement and Respondent. After discussion with counsel, I informed the parties that I was denying their requests to issue subpoenas to G. Steven Burrill, Victor Hebert, and Jean Yang because there is currently no evidence that these potential witnesses would do anything other than invoke their Fifth Amendment privilege against self-incrimination.

In addition, for reasons further elaborated on the record, I ruled on the parties' pending motions in limine as follows:

I DENIED the Division's motion to strike legal opinions from the reports of Howard Scheck and John Riley, two of Respondent's experts, and to preclude them from testifying at the hearing. Because I had determined *sua sponte* that Scheck and Riley may not testify, the motion was moot insofar as it sought to preclude their testimony. The reports of Scheck and Riley remain part of the record.

I DENIED Respondent's motion number one to preclude the Division from seeking adverse inferences against Respondent based on the invocation of the Fifth Amendment privilege by Burrill and Hebert, but stated that Respondent may object to specific evidence or testimony during the hearing.

I GRANTED Respondent's motion number two to preclude the testimony of Yang on the alternative ground that I will not be granting either party's request to issue a subpoena to Yang.

I DENIED Respondent's motion number three to exclude evidence regarding events that occurred after the completion of the 2012 audit of Burrill Life Sciences Capital Fund III, LP.

I DENIED Respondent's motion number four to exclude evidence regarding Burrill's personal spending, but stated that Respondent may object to specific evidence or testimony during the hearing.

I DENIED Respondent's motion number five to exclude evidence relating to claims of conduct occurring outside of the five-year statute of limitations found in 28 U.S.C. § 2462.

I DENIED Respondent's motion number six to exclude the report and testimony of Harris L. Devor, the Division's expert.

SO ORDERED.

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Cameron Elliot  
Administrative Law Judge