

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 4881/June 21, 2017

ADMINISTRATIVE PROCEEDING
File No. 3-17681

In the Matter of :
:
BRYAN WAYNE ANDERSON : ORDER

The Securities and Exchange Commission instituted this proceeding with an Order Instituting Proceedings (OIP) on November 16, 2016. On December 2, 2016, the Division of Enforcement submitted a Motion to Reschedule Hearing Date, in which it represented that it had received a signed settlement agreement from Respondent and requested a continuance to allow it to present the settlement to the Commissioners for their consideration and action. Accordingly, the hearing was postponed *sine die*, and a prehearing conference scheduled and then rescheduled for September 15, 2017. *Bryan Wayne Anderson*, Admin. Proc. Rulings Release Nos. 4418, 2016 SEC LEXIS 4499 (A.L.J. Dec. 5, 2016); 4660, 2017 SEC LEXIS 704 (A.L.J. Mar. 8, 2017). Thereafter, on April 20, 2017, the Division submitted a Motion for Default and for Imposition of Remedial Sanctions (Motion). The Motion is based on the theory that Respondent's Answer to the OIP was due in December 2016, twenty days after service of the OIP on him.¹ However, the Motion does not make any reference to Respondent's signed settlement. Before action can be taken on the Motion, the following questions must be answered: (1) Did the Division submit the settlement to the Commission for its consideration? (2) If not, or if the Commission rejected the settlement, when and how was Respondent notified? (3) Was he ever notified that he was now required to file an Answer in this proceeding? The Division is directed to file its answers to these questions by June 30, 2017.

IT IS SO ORDERED.

/s/ Carol Fox Foelak
Carol Fox Foelak
Administrative Law Judge

¹ The OIP was served on Respondent on November 21, 2017, at his usual place of abode by USPS certified mail, Tracking Number 7015 3430 0000 9273 3045. Thus, the original due date for his Answer was December 14, 2016. *See* OIP at 3; 17 C.F.R. §§ 201.141(a)(2)(i), .160(b).