

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

Administrative Proceedings Rulings
Release No. 6292 / November 5, 2018

Administrative Proceeding
File No. 3-17693

In the Matter of

**Sean P. Finn and
M. Dwyer LLC**

**Order Finding Service,
Directing Respondents to
Show Cause, and Setting
Deadline for Motions**

Based on the filing made by the Division of Enforcement on October 31, 2018, I have determined that Respondents were served with the order instituting proceedings (OIP) on January 25, 2017, at a pretrial detention center in Canada where Respondent Sean P. Finn, sole proprietor of M. Dwyer LLC, was then being held. 17 C.F.R. § 201.141(a)(2)(i), (ii), (iv). Respondents' answers were due by February 17, 2017. OIP at 3; 17 C.F.R. §§ 201.160(b), .220(b).

During a prehearing conference on October 19, 2018, the Division stated that it believed Finn was in pretrial detention in Nevada, but that neither the prosecution nor the defense in that case was able to provide an address for Finn. Because further inquiries may prove fruitful, I ORDER the Division to submit a status update regarding its efforts to locate Finn by November 19, 2018.

I FURTHER ORDER Respondents to SHOW CAUSE by November 26, 2018, why they should not be found in default due to their failure to file an answer, submit a proposal for the conduct of this proceeding, or otherwise defend this proceeding. *See Pending Admin. Proc.*, Securities Act of 1933 Release No. 10536, 2018 WL 4003609, at *1 (Aug. 22, 2018) (“[I]f a party fails to submit a proposal, the ALJ may enter a default against that party . . .”); 17 C.F.R. §§ 201.155(a)(2), .220(f).

I FURTHER ORDER that the Division's dispositive motion is due on December 17, 2018. *See* 17 C.F.R. §§ 201.154(b), .161(a), .250(f)(2). The motion should include legal analysis and evidentiary support for the

allegations and requested sanction in accordance with *Rapoport v. SEC*, 682 F.3d 98, 108 (D.C. Cir. 2012), and *Ross Mandell*, Securities Exchange Act of 1934 Release No. 71668, 2014 WL 907416, at *2 (Mar. 7, 2014), *vacated in part on other grounds*, Exchange Act Release No. 77935, 2016 WL 3030883 (May 26, 2016). If Respondents wish to file dispositive motions, they will file by the same date as the Division.

In addition to complying with the rules regarding service contained in the Securities and Exchange Commission's Rules of Practice, courtesy copies of any filings should be e-mailed to my office at alj@sec.gov, in PDF text-searchable format if possible. Exhibits should be e-mailed as separate attachments, not as a combined PDF file, and accompanied by a declaration.

James E. Grimes
Administrative Law Judge