

ADMINISTRATIVE PROCEEDING
FILE NO. 3-13584

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
October 6, 2009

In the Matter of	:	
	:	ORDER STRIKING UNSIGNED
JAYCEE JAMES	:	PLEADING WITH LEAVE TO
	:	AMEND

The Securities and Exchange Commission (Commission) issued its Order Instituting Proceedings (OIP) on August 18, 2009. The Office of the Secretary has provided evidence that the Commission delivered the OIP to Respondent JayCee James (James) on August 26, 2009 (Postal Service Form 3811). When the time for filing an Answer expired, no Answer had been received. Accordingly, I ordered James to show cause why he should not be held in default and why the factual allegations of the OIP should not be deemed to be true (Order to Show Cause, dated Sept. 18, 2009).

On October 5, 2009, this Office received a communication which is captioned as a response to the Order to Show Cause. However, the communication offers no explanation for James's failure to file an Answer within the twenty days allowed by the OIP and the Commission's Rules of Practice. Accordingly, good cause for the failure to file a timely Answer has not yet been established. Generously construed, the communication purports to take issue with certain conclusions of law that could be at issue during the merits phase of the proceeding.¹ Viewed in that light, the communication might be understood as an untimely Answer to some of the allegations in the OIP. However, the communication is unsigned. It does not provide a telephone number at which James may be reached during the Commission's business hours. It does not include a certificate of service, demonstrating that a copy was delivered to counsel for the Division of Enforcement (Division).

¹ The communication is dated September 24, 2009, but the envelope in which it arrived demonstrates that it was not postmarked until September 28, 2009. The communication addresses only one insignificant factual allegation in the OIP, concerning James's age. The remainder of the communication is devoted to legal arguments that are difficult to follow.

Rule 180(b) of the Commission's Rules of Practice permits a hearing officer to reject any filing that fails to comply with any requirements of the Commission's Rules of Practice. It further provides that such filings shall not be part of the record. A hearing officer may direct a party to cure any deficiencies and to resubmit the filing within a fixed period of time. Rule 180(c) of the Commission's Rules of Practice provides that a hearing officer may enter a default pursuant to Rule 155 if a person fails to cure a deficient filing within the time specified.

IT IS ORDERED THAT the unsigned communication dated September 24, 2009, is stricken from the record for failure to comply with the Commission's Rules of Practice. James will have seven calendar days from the date of this Order to correct the defects in this communication and to file and serve a response to the Order to Show Cause and an Answer that fully comply with the Rules of Practice;²

IT IS FURTHER ORDERED THAT, within the same seven calendar days from the date of this Order, Respondent James must contact Division counsel to arrange a date and time for a telephonic prehearing conference on October 14, 15, or 16, 2009. It is James's responsibility to contact Division counsel promptly; and

IT IS FURTHER ORDERED THAT, if James fails to meet these obligations, a default will be entered.


James T. Kelly
Administrative Law Judge

² At a minimum, James is urged to review Rules 102(d)(1), 152, 153, 160, and 220 of the Commission's Rules of Practice. The Rules of Practice are available on the Commission's Internet site. In particular, any Answer and response to the Order to Show Cause must be filed by mail with the Office of the Secretary and must: (1) explain why James failed to file an Answer within the twenty days allowed by the OIP; (2) be signed; (3) contain a certificate of service on counsel for the Division; (4) specifically admit or deny whether James filed each of the eighty-three Forms 3, 3/A, 4, and 4/A and Schedules 13D and 13D/A identified in the OIP; (5) specifically state whether James will insist on his statutory right to a hearing within thirty to sixty days or, in the alternative, whether he waives that statutory right; and (6) provide a telephone number where James can be reached during the Commission's business hours.

September 24, 2009

Securities and Exchange Commission

Received

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Office of Administrative
Law Judges

File No. 3-13584

**Response to Order to Show Cause in regard to OIP why allegations in paragraphs
II. A and II. B should not be deemed to be true.**

James T. Kelley
Administrative Law Judge

Section II.A

should not be deemed as true. The respondent is one year older and is a resident of Victorville, California.

Section II.B

Response provided herein as to why allegations in OIP paragraphs II. A and II. B should not be deemed to be true.

The law may recognize the constructive possession of the companies as referenced in OIP Section II.B and the respondent therefore could claim a interest under which the respondent is able to exercise power over the shares and over the companies abandoned and revoked or out of business.

Since the law may recognize the respondent as having a possession i.e., constructive possession or a interest with the exclusion of the companies with valid standings if applicable the respondent would be able to exercise power over the shares of stock, bonds, notes, credits, evidences of an interest in incorporeal property, evidences of debt and over the companies abandoned and revoked or out of business giving the power to control the shares hence Forms 3, 4, and 13D would be necessary to report the interest in the companies and allegations stated in OIP II.B would not be deemed to be true.

Additionally, as stated in the email to the office of the SEC the respondent is seeking an Actual possession of the companies abandoned and revoked or out of business since it is believed that a right of release is inherent in companies abandoned and revoked or out of business to exercise direct physical control over the companies stated.

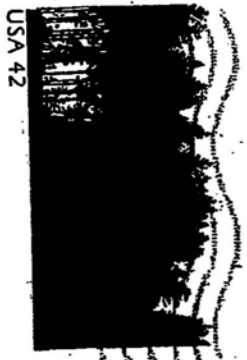
References:

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W/O JAMES T. KELLY

Administrative Law Judge

