

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 3434/December 28, 2015

ADMINISTRATIVE PROCEEDING
File No. 3-16893

In the Matter of

JAMES A. EVANS, JR.

ORDER FINDING RESPONDENT IN DEFAULT
AND DIRECTING MOTION FOR SANCTIONS

On October 13, 2015, the Securities and Exchange Commission issued an Order Instituting Proceedings (OIP) against James A. Evans, Jr., pursuant to Section 203(f) of the Investment Advisers Act of 1940.

Evans was served with the OIP by October 17, 2015, and when he failed to file an Answer in the time provided, I ordered him to show cause by December 23, 2015, why this proceeding should not be determined against him due to his failure to file an Answer or otherwise defend this proceeding. *James A. Evans*, Admin. Proc. Rulings Release No. 3395, 2015 SEC LEXIS 5073 (Dec. 14, 2015).

To date, Evans has not answered the OIP or responded to the show cause order. Accordingly, pursuant to Rule 155(a) of the Commission's Rules of Practice, I find Evans in default.¹ *See* OIP at 3; 17 C.F.R. §§ 201.155(a)(2), .220(f).

It is ORDERED that the Division shall file a motion for sanctions by January 15, 2016. The motion shall provide legal authority and evidentiary support relating to the OIP's allegations

¹ Evans is notified that he may move to set aside the default pursuant to Rule 155(b) of the Commission's Rules of Practice:

A motion to set aside a default shall be made within a reasonable time, state the reasons for the failure to appear or defend, and specify the nature of the proposed defense in the proceeding. In order to prevent injustice and on such conditions as may be appropriate, the hearing officer, at any time prior to the filing of the initial decision, or the Commission, at any time, may for good cause shown set aside a default.

and the Division's requested sanctions, in accordance with *Rapoport v. SEC*, 682 F.3d 98 (D.C. Cir. 2012), and *Ross Mandell*, Exchange Act Release No. 71668, 2014 SEC LEXIS 849, at *7-9 (Mar. 7, 2014).

Electronic courtesy copies of the parties' filings should be emailed to ALJ@sec.gov in PDF text-searchable format. Exhibits should be emailed as separate attachments, not as a combined PDF file.

Cameron Elliot
Administrative Law Judge