

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 888/September 19, 2013

ADMINISTRATIVE PROCEEDING
File No. 3-15443

In the Matter of	:	
	:	ORDER POSTPONING HEARING AND
	:	SCHEDULING PREHEARING CONFER-
ALAN SMITH	:	ENCE
	:	

The Securities and Exchange Commission (Commission) issued an Order Instituting Proceedings (OIP) on August 27, 2013, alleging that on June 27, 2013, Alan Smith (Smith) was enjoined from violating Section 5(a) and 5(c) of the Securities Act of 1933 and the antifraud provisions of the federal securities statutes and from aiding and abetting future violations of Section 15(a) of the Securities Exchange Act of 1934 in SEC v. Secure Capital Funding Corporation, No. 3:11-cv-00916(D.N.J.) The OIP directs an Initial Decision no later than 210 days from the date the OIP is served on Smith. OIP at 3. The Commission's Secretary sent the OIP to Smith on August 28, 2013, by International Registered Mail at Ganibu damis 15-13, Riga, LV-1045, Republic of Latvia. Smith's address from the underlying civil action. There is no evidence that the OIP was delivered to Smith.

On September 17, 2013, the Division of Enforcement (Division) filed a Motion for Adjournment of Hearing (Motion). The Motion acknowledges lack of evidence of service. The Division transmitted a copy of the OIP to Smith using an e-mail address that it has used for him in the past, but it has not received an acknowledgement.

Order

Given these facts, I GRANT the Motion, POSTPONE the hearing scheduled to begin on September 30, 2013, and ORDER a telephonic prehearing conference on October 30, 2013, at 10:00 a.m. EDT. If the Division determines that service has been accomplished before this date, it should inform my Office.

Brenda P. Murray
Chief Administrative Law Judge