

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 688/October 26, 2011

ADMINISTRATIVE PROCEEDING
File No. 3-14537

In the Matter of

BRIAN W. WALSH	:	ORDER DISCONTINUING PROCEEDING WITHOUT PREJUDICE
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On September 7, 2011, the Securities and Exchange Commission (Commission) issued an Order Instituting Proceedings (OIP) pursuant to Section 15(b) of the Securities Exchange Act of 1934 (Exchange Act). The OIP alleges that Brian W. Walsh (Walsh) was the subject of a final judgment by default that enjoined him from future violations of Sections 5(a) and 5(c) of the Securities Act of 1933 and Section 15(a)(1) of the Exchange Act, in SEC v. Rockwell Energy of Texas, LLC, Civil Action No. 4:09-CV-4080 (S.D. Tex.) (July 11, 2011).

The OIP sent by the Office of the Secretary to Walsh's last known address was returned to the Commission and marked undeliverable. On October 19, 2011, the Division of Enforcement (Division) filed a Motion to Discontinue Administrative [Proceeding] as Respondent Cannot be Located (Motion). The Motion contains a Declaration of Jason Rodgers (Declaration) and exhibits, submitted in the civil proceeding, describing the unsuccessful attempts the Division made to serve Walsh – use of a process server to attempt service at an address Walsh provided that was a post office box, use of process servers for more than twelve attempts to serve Walsh at four different addresses in California, Florida, and Kentucky, and communications to e-mail addresses used by Walsh. The Declaration concludes with a determination that there is no person in the state of Texas upon whom service of process would bind Walsh. Based on its experience in this proceeding and the civil action, the Division requests, pursuant to 17 C.F.R. § 200.30-10(a)(8), that I discontinue the proceeding.

Ruling

FOR GOOD CAUSE SHOWN, I GRANT the Division's Motion and discontinue the proceeding without prejudice, pursuant to 17 C.F.R. § 200.30-10(a)(8).

Brenda P. Murray, Chief Administrative Law Judge