

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 704/May 25, 2012

ADMINISTRATIVE PROCEEDING
File No. 3-14721

In the Matter of

TAMARA M. DAVIS

ORDER DISCONTINUING THE
PROCEEDING

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On January 26, 2012, the Securities and Exchange Commission (Commission) instituted this proceeding with an Order Instituting Proceedings (OIP), pursuant to Section 15(b) of the Securities Exchange Act of 1934 (Exchange Act). On May 23, 2012, the Division of Enforcement (Division) filed a Motion to Discontinue Administrative Proceeding as Respondent Cannot Be Located (Motion), including an attached report of Merlin Information Services. The Motion represents that Tamara M. Davis (Davis) was subject to a final default judgment entered in SEC v. Davis, No. 1:10-CV-913 (W.D. Tex. Nov. 3, 2011) that permanently enjoined her from future violations of Sections 5(a) and 5(c) of the Securities Act of 1933 and Section 15(a) of the Exchange Act. The Motion requests that the administrative proceeding against Davis be discontinued and the matter dismissed without prejudice because following three months of unsuccessful efforts neither the Office of the Secretary nor the Division has been able to serve Davis with a copy of the OIP despite considerable efforts to do so. The Division believes the expenditure of additional resources will likely be unproductive. See Motion at 2.

Ruling

The Commission has delegated to the Chief Administrative Law Judge the authority to “grant motions of staff counsel to discontinue administrative proceedings as to a particular respondent who has died or cannot be found, or because of a mistake in the identity of a respondent named in the order for proceedings.” 17 C.F.R. § 200.30-10(a)(8).

Given that the Division has made considerable unsuccessful efforts to serve Davis over a four-month period and that the Commission cannot act until Davis has been served, I GRANT the Motion and ORDER that the proceeding is discontinued.

Brenda P. Murray
Chief Administrative Law Judge