

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 758 / March 11, 2013

ADMINISTRATIVE PROCEEDING
FILE NO. 3-15196

In the Matter of

JEFFREY A. QUAY :
: ORDER DISCONTINUING PROCEEDING
: WITHOUT PREJUDICE

The Securities and Exchange Commission (Commission) issued its Order Instituting Proceedings (OIP) on January 31, 2013. This proceeding is pending before an Administrative Law Judge. On March 8, 2013, I received from the Division of Enforcement (Division) a Motion to Dismiss Proceeding Against Jeffrey A. Quay Without Prejudice (Motion).

The Motion represents that the Division has been unsuccessful in serving Jeffrey A. Quay (Quay) with the OIP despite diligent attempts to do so. The Division requests that the proceeding be dismissed without prejudice and represents that it will seek to reinstate the proceeding once Quay is located.

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 unsuccessful efforts to serve Quay over an almost six-week period and that the Commission cannot act until Quay has been served, I GRANT the Motion and ORDER that the proceeding is discontinued without prejudice.

Brenda P. Murray
Chief Administrative Law Judge