

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 909 / September 25, 2013

ADMINISTRATIVE PROCEEDING
File No. 3-15448

In the Matter of

GARY A. COLLYARD

ORDER POSTPONING HEARING

On September 3, 2013, the Securities and Exchange Commission issued an Order Instituting Proceedings (OIP) alleging that on February 27, 2012, Gary A. Collyard (Collyard) pled guilty to one count of conspiracy to commit securities fraud and one count of conspiracy to commit bank fraud in United States v. Collyard, No. 12-cr-58 (D. Minn.), and on August 1, 2013, Collyard was sentenced to 120 months in prison followed by three years of supervised release and ordered to make restitution of \$5,672,994.44. Collyard is required to answer within twenty days after service of the OIP. See OIP at 2, 17 C.F.R. § 201.220(b).

The OIP sent to Collyard by Certified Mail was signed for at FPC Duluth, Federal Prison Camp, P.O. Box 1000, Duluth, MN 55814. Robert O. Knutson, Esq. (Knutson), was served with the OIP on September 13, 2013. Nothing in the file indicates that Knutson represents Collyard.

Order

It is not clear whether Collyard was served with the OIP, or whether he is represented by counsel. It is clear that Collyard cannot be present at the hearing scheduled to begin on October 2, 2013. I POSTPONE the hearing and ORDER the Division of Enforcement (1) to determine if Collyard is represented by counsel; and (2) to contact Collyard's Case Manager to determine a date and time when Collyard can be present at a telephonic prehearing conference, and to provide my Office with this information by Tuesday, October 9, 2013.

Brenda P. Murray
Chief Administrative Law Judge