UNITED STATES OF AMERICA Before the SECURITIES AND EXCHANGE COMMISSION Washington, D.C. 20549

ADMINISTRATIVE PROCEEDINGS RULINGS Release No. 1172/January 15, 2014

ADMINISTRATIVE PROCEEDING File No. 3-15443

In the Matter of : ORDER ON MOTION FOR : MORE DEFINITE STATEMENT

ALAN SMITH :

The Securities and Exchange Commission issued an Order Instituting Proceedings (OIP) on August 27, 2013, alleging that on June 27, 2013, Alan Smith (Smith) was enjoined from violating Sections 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 Corp., 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. There has been no activity in the proceeding up to this time because there was no evidence that Smith had been served with the OIP.

Following my Order allowing service by publication, the Division of Enforcement (Division) on January 7, 2014, filed the Declaration of Donna K. Norman (Declaration), which states that the OIP was published in the weekend edition of the International New York Times on December 7, 14, and 21, 2013. Alan Smith, Admin. Proc. Rulings Release No. 1056, 2013 SEC LEXIS 3648 (Nov. 20, 2013); Declaration at 1. On January 14, 2014, the Division forwarded to this Office a multi-page e-mail from Smith a/k/a Harry Draudins at Ganiba Dambus 15-13a, Riga, Latvia, dated January 7, 2014, which is Smith's Answer, motion for a more definite statement, and memorandum in support. The motion for a more definite statement would require the Division to provide Smith with investor names, amount invested, date of investment, and "who told the investor: when, where and what [the] amounts to the offering of a security or that are false."

Ruling

The basis for the OIP is the allegation that Smith has been enjoined from violating, and aiding and abetting violations of, the federal securities laws in <u>Secure Capital Funding Corp</u>. This proceeding is not a retrial of the underlying allegations in that case. Smith's motion for more definite statement is DENIED because it seeks information that is not relevant to this administrative proceeding. <u>See</u> 17 C.F.R. § 201.320. I will find Smith in default if he does not

appear	at	the	telephon	nic	prehearing	conference	on	January	21,	2014,	at	2:00	p.m.	EST	and
defend	the	pro	ceeding.	Se	<u>ee</u> 17 C.F.R.	. §§ 201.155	(a),	.221(f).							

Brenda P. Murray Chief Administrative Law Judge