

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

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 3044/August 17, 2015

ADMINISTRATIVE PROCEEDING  
File No. 3-16668

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In the Matter of :  
: :  
JONATHAN D. DAVEY, CPA : PREHEARING ORDER

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The Securities and Exchange Commission instituted this proceeding with an Order Instituting Proceedings (OIP) on June 30, 2015, pursuant to Section 203(f) of the Investment Advisers Act of 1940. The proceeding is a follow-on proceeding based on *United States v. Davey*, No. 3:12-cr-68 (W.D.N.C.), in which Respondent Jonathan D. Davey, CPA (Davey), was convicted of tax evasion and conspiracy to commit securities fraud, wire fraud, and money laundering. A prehearing conference was held on August 14, 2015, at which Edward Sullivan, Esq., appeared on behalf of the Division of Enforcement (Division), and Davey appeared *pro se*.

The Division will report on the status of settlement negotiations on August 28, 2015. Davey's Answer to the OIP will be due on August 28, 2015. If Davey does not file an Answer within the time provided, he will be deemed to be in default, and the undersigned will enter an order barring him from the securities industry. If he does file an Answer, the Division was granted leave to file a motion for summary disposition, pursuant to 17 C.F.R. § 201.250(a),<sup>1</sup> which will be due by September 18, 2015; Davey may file an opposition, and the Division, a reply, by October 16 and October 30, 2015, respectively.

IT IS SO ORDERED.

/S/ Carol Fox Foelak  
Carol Fox Foelak  
Administrative Law Judge

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<sup>1</sup> The Division has made its investigative file available to Davey. See *Byron S. Rainer*, Exchange Act of 1934 (Exchange Act) Release No. 59040, 2008 SEC LEXIS 2840 (Dec. 2, 2008); *José P. Zollino*, Exchange Act Release No. 51632, 2005 SEC LEXIS 987 (Apr. 29, 2005).