

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 3085 / August 31, 2015

ADMINISTRATIVE PROCEEDING
File No. 3-16723

In the Matter of

CHARLES K. MOSLEY

ORDER ON PROCEDURAL SCHEDULE AND
DIRECTING STATUS REPORT AND SERVICE
OF THIS ORDER ON RESPONDENT

On August 5, 2015, the Securities and Exchange Commission issued an Order Instituting Proceedings (OIP) against Charles K. Mosley, pursuant to Section 203(f) of the Investment Advisers Act of 1940. Mosley's Answer to the OIP's allegations is due twenty days after service. OIP at 3; 17 C.F.R. § 201.220(b).

On August 13, 2015, I issued an order directing the Division of Enforcement to file a declaration regarding the status of service, and directing the parties to hold an initial prehearing conference without the hearing officer by August 31, 2015. *Charles K. Mosley*, Admin. Proc. Rulings Release No. 3031, 2015 SEC LEXIS 3341.

On August 28, 2015, the Division filed a response and declaration. It explained that service attempts have been unsuccessful to date, and thus it has been unable to hold the prehearing conference. The Division plans to recommence its service attempts after Mosley reports to his designated prison facility, which he is scheduled to do by September 9, 2015. The Division believes it will be able to serve Mosley by October 9, 2015.

I direct the Division to file a status report once service has been accomplished or, if no service has been made, no later than October 9, 2015. I further direct the Division to serve Mosley with this Order along with the OIP.

Also, I adopt the following procedural schedule for motions for summary disposition under Rule of Practice 250.¹

November 12, 2015: Motions for summary disposition are due.

December 3, 2015: Oppositions are due.

¹ The Rules are available online at <http://www.sec.gov/about/rulesofpractice.shtml>.

December 17, 2015: Replies, if any, are due.

A motion for summary disposition should include: 1) proposed findings of fact with citations to supporting evidence or documents; 2) proposed conclusions of law addressing, among any other issues, the statutory basis for this action under Section 203(f) of the Advisers Act and whether that basis is satisfied; 3) whether summary disposition is appropriate; and 4) whether sanctions are in the public interest. Summary disposition will not be granted without appropriate evidence and analysis in support. *See Gary L. McDuff*, Securities Exchange Act of 1934 Release No. 74803, 2015 SEC LEXIS 1657, at *11-14 (Apr. 23, 2015); *Ross Mandell*, Exchange Act Release No. 71668, 2014 SEC LEXIS 849, at *7-8 (Mar. 7, 2014). An opposition responds to a motion for summary disposition and may set forth its own alternative findings and conclusions. A reply responds to an opposition.

The parties' submissions and any documents in support shall be filed in paper format with the Commission's Office of the Secretary, U.S. Securities and Exchange Commission, 100 F Street N.E., Mail Stop 1090, Washington, D.C. 20549. Among other requirements, each filing must include a signed original and three copies, and a certification that copies have been served on the other party. *See* 17 C.F.R. §§ 201.151, .152, .153.

Electronic courtesy copies of the parties' submissions should be emailed to ALJ@sec.gov in PDF text-searchable format. Electronic copies of exhibits should not be combined into a single PDF file, but sent as separate attachments.

SO ORDERED.

Cameron Elliot
Administrative Law Judge