

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

ADMINISTRATIVE PROCEEDINGS RULINGS

Release No. 3257/October 26, 2015

ADMINISTRATIVE PROCEEDING

File No. 3-16590

In the Matter of

BRIAN J. OURAND

:
:

ORDER

The Securities and Exchange Commission instituted this proceeding with an Order Instituting Proceedings on June 15, 2015, pursuant to Sections 203(f) and 203(k) of the Investment Advisers Act of 1940 and Section 9(b) of the Investment Company Act of 1940. Under consideration is Brian J. Ourand's request for subpoenas seeking the attendance of various persons to testify at the hearing in this matter on December 14, 2015.

Because the subpoena request does not comply with the Commission's rules, the subpoenas will not be issued. First, the request does not include a certificate of service showing that it has been served on the Division of Enforcement. *See* 17 C.F.R. 201.232(a) (Rule 232(a)).¹ Further, the request does not "show the general relevance and reasonable scope of the testimony . . . sought." *See* Rule 232(b). Hence, Ourand must serve his subpoena request on the Division and must show the general relevance and reasonable scope of the testimony sought from each subpoenaed person.

Some of the subpoenas are directed to entities without identifying an individual whose testimony is sought: "American Express," "Citibank," "Office of the Chief Counsel, U.S. Securities and Exchange Commission," "Verizon," and "Western Union."² Ourand must identify the individual to whom he wishes to direct each subpoena.

IT IS SO ORDERED.

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

¹ Pursuant to Rule 232(a), "[u]nless made on the record at a hearing, requests for issuance of a subpoena shall be made in writing and served on each party."

² Ourand is reminded of the provisions of Rule 232(d): "*Tender of Fees Required*. When a subpoena compelling the attendance of a person at a hearing . . . is issued at the instance of anyone other than an officer or agency of the United States, service is valid only if the subpoena is accompanied by a tender to the subpoenaed person of the fees for one day's attendance and mileage specified by [Rule 232(f)]."