

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 3323 / November 17, 2015

ADMINISTRATIVE PROCEEDING
File No. 3-16937

In the Matter of

JAMES MICHAEL MURRAY

ORDER POSTPONING HEARING AND
SCHEDULING PREHEARING CONFERENCE

On November 2, 2015, the Securities and Exchange Commission issued an Order Instituting Administrative Proceedings (OIP) against Respondent pursuant to Section 203(f) of the Investment Advisers Act of 1940. Respondent's Answer to the OIP is due twenty days after service of the OIP on him. OIP at 3; 17 C.F.R. § 201.220(b).

The Division of Enforcement's motion to adjourn the hearing and set a prehearing conference is GRANTED. The hearing currently scheduled for November 30, 2015, is POSTPONED, and I schedule a telephonic prehearing conference for December 3, 2015, at 1:00 p.m. EST. The Division shall arrange for Respondent's attendance. The parties should be prepared to discuss a procedural schedule to resolve this proceeding.

In its motion, the Division represents that the OIP was personally served on Respondent on November 12. However, no affidavit or other proof has been provided to establish that personal service was made on November 12. The Division also states that a copy of the OIP was sent to Respondent via U.S. Postal Service certified mail on November 2. Under the Rules of Practice, service of the OIP on an individual is not accomplished on the date of mailing, but upon delivery as established by confirmation of receipt. *See* 17 C.F.R. § 201.141(a)(2)(i). No such confirmation of receipt has been provided.

Accordingly, the Division shall file a declaration regarding service by November 23, 2015.

James E. Grimes
Administrative Law Judge