

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 4559/January 27, 2017

ADMINISTRATIVE PROCEEDING
File No. 3-17747

In the Matter of

BRIAN C. ROSE

ORDER TO SHOW CAUSE
AND POSTPONING
PREHEARING CONFERENCE

On January 25, 2017, the Division of Enforcement submitted a notice establishing that Respondent was served with the order instituting this proceeding (OIP) by U.S. Postal Service certified mail on January 3, 2017. Therefore, as service was proper under 17 C.F.R. § 201.141(a)(2)(i), Respondent's answer was due January 26, 2017. *See* OIP at 3; 17 C.F.R. §§ 201.160(b), .220(b). To date, Respondent has not filed an answer.

Accordingly, it is ORDERED that Respondent SHOW CAUSE by February 10, 2017, why the proceeding should not be determined on default due to his failure to file an answer or otherwise defend this proceeding.¹ *See* OIP at 3; 17 C.F.R. §§ 201.155(a)(2), .220(f). If Respondent does not respond to this order, the Division of Enforcement shall file an appropriate dispositive motion, in which it may seek a finding of a default and request sanctions against Respondent, by February 24, 2017. The motion shall include legal analysis and evidentiary support for the allegations and requested sanction in accordance with *Rapoport v. SEC*, 682 F.3d 98 (D.C. Cir. 2012), and *Ross Mandell*, Exchange Act Release No. 71668, 2014 SEC LEXIS 849, at *7-9 (Mar. 7, 2014), *vacated in part on other grounds*, Exchange Act Release No. 77935, 2016 SEC LEXIS 1886 (May 26, 2016). If Respondent is found in default, I may deem the OIP's allegations to be true and decide the proceeding against him. *See* OIP at 3; 17 C.F.R. § 201.155(a)(2).

An electronic courtesy copy of the Division's filing should be emailed to ALJ@sec.gov in PDF text-searchable format. Exhibits should be e-mailed as separate attachments, not as a combined PDF file, and accompanied by a declaration of counsel.

¹ The parties' submissions and any documents in support shall be filed with the Secretary of the Commission in paper format, U.S. Securities and Exchange Commission, 100 F Street N.E., Mail Stop 1090, Washington, D.C. 20549. Each filing must include a certification that a copy was served on the other party. Filing requirements are detailed under Rules of Practice 150 to 152. 17 C.F.R. §§ 201.150-.152. The Rules of Practice are available online at <https://www.sec.gov/about/rules-of-practice-2016.pdf>.

It is further ORDERED that the telephonic prehearing conference scheduled for February 16, 2017, is RESCHEDULED to 11:00 a.m. Eastern, March 17, 2017.

Cameron Elliot
Administrative Law Judge