

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 4666/March 9, 2017

ADMINISTRATIVE PROCEEDING
File No. 3-17747

In the Matter of

BRIAN C. ROSE

ORDER FINDING DEFAULT

On January 27, 2017, I ordered Respondent to 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. *Brian C. Rose*, Admin. Proc. Rulings Release No. 4559, 2017 SEC LEXIS 282. On March 8, 2017, the Division of Enforcement submitted a status update informing me that Respondent received the order to show cause. As he has not filed an answer, responded to the order to show cause, or otherwise defended this proceeding, he is deemed to be in default.¹ See 17 C.F.R. §§ 201.155(a), .220(f).

Respondent may move to set aside the default pursuant to Rule of Practice 155(b), 17 C.F.R. § 201.155(b), which states:

A motion to set aside a default shall be made within a reasonable time, state the reasons for the failure to appear or defend, and specify the nature of the proposed defense in the proceeding. In order to prevent injustice and on such conditions as may be appropriate, the hearing officer, at any time prior to the filing of the initial decision, or the Commission, at any time, may for good cause shown set aside a default.

It is further ORDERED that the telephonic prehearing conference scheduled for March 17, 2017, is CANCELED.

In addition, the Office of the Secretary should be informed that, as of March 8, Respondent was being held at the following address:

¹ I do not herein determine that “no hearing is necessary,” 17 C.F.R. § 201.360(a)(2)(i)(C), but will construe the Division’s motion for summary disposition as one for sanctions and will rule on it in due course.

Brian C. Rose, Register No. 47628-074
FCI Ashland
Federal Correctional Institution
P.O. Box 6001
Ashland, KY 41105

Cameron Elliot
Administrative Law Judge