

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 4668/March 9, 2017

ADMINISTRATIVE PROCEEDING
File No. 3-17848

In the Matter of

JAMES P. GRIFFIN

ORDER POSTPONING
HEARING AND
SCHEDULING PREHEARING
CONFERENCE

The Securities and Exchange Commission instituted this proceeding on February 16, 2017, with an order instituting proceedings, pursuant to Section 15(b) of the Securities Exchange Act of 1934, alleging that a civil complaint against James P. Griffin, *SEC v. Griffin*, No. 15-cv-0927 (N.D.N.Y.) (civil case), was stayed on February 2, 2016, pending disposition of *United States v. Griffin*, No. 15-cr-207 (N.D.N.Y.) (criminal case). OIP at 2. The superseding indictment in the companion criminal case against Griffin alleged that Griffin committed ten counts of mail fraud, eight counts of wire fraud, and five counts of money laundering. *Id.* The OIP alleges further that on July 18, 2016, Griffin was found guilty on all twenty-three counts of the superseding indictment, and on December 16, 2016, Griffin was sentenced to sixty months imprisonment, followed by three years of supervised release, and ordered to pay restitution of \$2,153,530.93. *Id.* at 3. The court lifted the stay in the civil case on July 25, 2016, and the case remains pending as of February 16, 2017. *Id.*

The OIP sent to Griffin via certified mail was signed for at the United States Penitentiary Canaan in Waymart, Pennsylvania (USP Canaan), on February 21, 2017.¹ A hearing is scheduled to begin on March 13, 2017. On March 8, 2017, I received a letter from the Division of Enforcement stating that it has been unable to communicate with Griffin at USP Canaan, and Griffin's unit manager informed the Division in a March 2, 2017, email that: (1) Griffin would not review legal materials, which Griffin said should have been sent to his attorney; (2) Griffin would not participate in a teleconference on March 6, 2017; and (3) Griffin stated that his attorney was requesting a ninety-day continuance.

¹ USP Canaan, a high security facility, has an adjacent minimum security satellite camp. <https://www.bop.gov/locations/institutions/caa/> (last accessed March 9, 2017).

The Division is unaware of any attorney representing Griffin in this proceeding. The attorney who represented him in the investigation of these matters has told the Division that he is not representing Griffin. No one has made a filing of representation under Rule 102(d)(2) of the Commission's Rules of Practice, and no request for a continuance has been filed. *See* 17 C.F.R. § 201.102(d)(2). The Division requests that the hearing be postponed and that a prehearing conference be scheduled no sooner than March 27, 2017.

Order

I GRANT the Division's request and POSTPONE the hearing scheduled for March 13, 2017. I ORDER instead a telephonic prehearing conference for Monday, March 27 at 2:00 p.m. EDT. I direct the Division to check with Griffin's unit manager on whether Griffin could be available at this date and time or whether another date and time is preferable. Griffin is on notice that if he does not answer the OIP or participate in the prehearing conference, he will be found in default. *See* 17 C.F.R. §§ 201.155(a), .220(f), .221(f).

Brenda P. Murray
Chief Administrative Law Judge