

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

Administrative Proceedings Rulings
Release No. 4880 / June 21, 2017

Administrative Proceeding
File Nos. 3-17874 and 3-17875

In the Matters of

**Talman Harris and
Victor Alfaya**

**Order Discharging Order to
Show Cause as to Respondent
Alfaya**

On May 26, 2017, I ordered Respondent Victor Alfaya to show cause by June 13, 2017, why he should not be found in default and this proceeding determined against him due to his failure to appear at the scheduled prehearing conference or otherwise defend the proceeding. *Talman Harris*, Admin. Proc. Rulings Release No. 4834, 2017 SEC LEXIS 1580, at *3-4.

I received a letter from Alfaya's wife, dated June 11, 2017, enclosing an unsigned copy of Alfaya's three-page, pro se answer. The letter represents that Alfaya "mailed" his answer "on or around April 26, 2017." In her letter, Alfaya's wife states that she made arrangements for her husband to sign and submit another original copy. On June 20, 2017, the Office of the Secretary received that signed answer. I therefore accept the representations in the June 11 letter as true and excuse Alfaya's failure to appear at the prehearing conference given the apparent communication difficulties resulting from his incarceration. The order to show cause is DISCHARGED.

I previously set a briefing schedule for motions for summary disposition, pursuant to Rule of Practice 250(b), 17 C.F.R. § 201.250(b), regarding the proceeding against Respondent Talman Harris. *See Talman Harris*, 2017 SEC LEXIS 1580, at *2-3. It is too late to place Alfaya on a parallel schedule, but—now that Alfaya's answer has been filed¹—the Division and Alfaya are

¹ The Division has made the complete investigatory file available for inspection and copying. *Talman Harris*, 2017 SEC LEXIS 1580, at *2.

entitled to an opportunity to move “on one or more [of their] claims or defenses, asserting that the undisputed pleaded facts, declarations, affidavits, documentary evidence or facts officially noted . . . show that there is no genuine issue with regard to any material fact and that [they are] entitled to summary disposition as a matter of law.” 17 C.F.R. § 250(b). Each party may choose to file their own motion or simply oppose the other party’s motion according to the following briefing schedule:

July 17, 2017: Motions for summary disposition are due.

August 7, 2017: Opposition briefs are due.

August 17, 2017: Reply briefs, if any, are due.

If this schedule does not work for the Division or Alfaya, either party may file a motion to alter it for good cause. *See* 17 C.F.R. § 201.161. Electronic courtesy copies of the parties’ submissions may be emailed to ALJ@sec.gov in PDF text-searchable format. Electronic copies of exhibits should not be combined into a single PDF file, but sent as separate attachments.

As with Harris, I will determine whether it is necessary to hold a hearing regarding Alfaya after considering the parties’ briefs.

Cameron Elliot
Administrative Law Judge