

UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION



ADMINISTRATIVE PROCEEDING  
File No. 3-15887

In the Matter of

BLAYNE S. DAVIS,

Respondent.

**HARD COPY**

**DIVISION'S MOTION FOR LEAVE TO FILE**  
**MOTION FOR SUMMARY DISPOSITION**

Pursuant to Rule 250(a) of the Commission's Rules of Practice, 17 C.F.R. § 201.250(a), the Division of Enforcement moves the Law Judge for leave to file a motion for summary disposition. In support of this motion, the Division states as follows:

1. On May 27, 2014, the Commission issued an Order Instituting Administrative Proceedings ("OIP") pursuant to Section 15(b) of the Securities Exchange Act of 1934 against Respondent Blayne S. Davis based on his 2011 wire fraud conviction.

2. On June 18, 2014, the Law Judge entered an Order setting the matter for a prehearing conference on July 18, 2014.<sup>1</sup>

---

<sup>1</sup>The June 18 Order notes Davis's release from Bureau of Prisons custody on June 6, 2014. However, earlier this year Davis was charged in a new federal indictment, and the Magistrate Judge ordered Davis detained pending trial. *See United States v. Davis*, No. 6:14-cr-00043 (M.D. Fla.) (Order of Detention, 6/3/14, DE 52) On June 16, 2014, at Davis's request, the district court set a deadline of July 17, 2014 for Davis to move to amend or revoke the detention order. *Id.*, DE 53, 54. It is therefore highly likely that Davis will be in custody on the date of the prehearing conference.

3. On June 19, 2014, Davis filed, *pro se*, a document styled “Answer to Commission’s Complaint and Request for Dismissal.” In his answer, Davis does not deny that he was convicted of wire fraud as alleged in the OIP. However, Davis sets forth several matters he claims require dismissal of the proceeding, including among others the statute of limitations and the pendency of his motion to set aside his conviction pursuant to 28 U.S.C. § 2255.

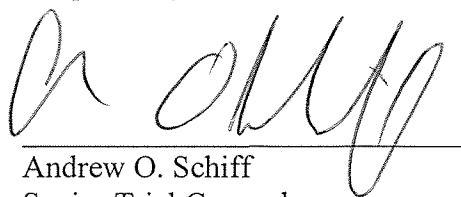
4. The Division’s motion for leave to file a motion for summary disposition should be granted. Courts and the Commission have repeatedly approved the use of summary disposition to determine sanctions against brokers and investment advisers convicted of crimes or subjected to permanent injunctions. *See Kornman v. SEC*, 592 F.3d 173, 181-83 (D.C. Cir. 2010); *John M. Lawton*, Investment Advisers Act Rel. No. 3513, 105 S.E.C. Docket 673 (Dec. 13, 2012); *John S. Brownson*, Securities Exchange Act Rel. No. 46161, 77 S.E.C. Docket 3097 (July 3, 2002), *petition denied*, 66 Fed. App’x 687 (9th Cir. May 16, 2003) (unpublished). A motion for summary disposition would also provide the Division with an appropriate vehicle to address the legal sufficiency of the defenses Davis raises in his answer.

#### **Conclusion**

For the reasons set forth above, the Division respectfully requests that the Administrative Law Judge grant the Division’s Motion for Leave to File Motion for Summary Disposition.

June 23, 2014

Respectfully submitted,



---

Andrew O. Schiff  
Senior Trial Counsel  
Direct Line: (305) 982-6390  
schiffa@sec.gov

DIVISION OF ENFORCEMENT  
SECURITIES AND EXCHANGE COMMISSION  
801 Brickell Avenue, Suite 1800  
Miami, FL 33131  
Phone: (305) 982-6300  
Fax: (305) 536-4154

