

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-20159

In the Matter of

PARFAIT MUTIMURA,

Respondent.

**MOTION FOR ENTRY OF DEFAULT
AND LEAVE TO FILE MOTION FOR
SUMMARY DISPOSITION**

The Division of Enforcement (“Division”) respectfully requests entry of default against Respondent Parfait Mutimura (“Mutimura”) pursuant to Rules 155(a)(2) and 220(f) of the Commission’s Rules of Practice (“Practice Rules”), 17 C.F.R. §§ 201.155(a)(2) and 201.220(f). In addition, the Division respectfully seeks leave to submit a motion for summary disposition on the issue of remedial sanctions.

1. Mutimura Is in Default.

The Commission commenced this proceeding on December 4, 2020, with an Order Instituting Administrative Proceedings Pursuant to Section 15(b) of the Securities Exchange Act of 1934 and Section 203(f) of the Investment Advisers Act of 1940 and Notice of Hearing (“Order”), Exchange Act Rel. No. 90566 and Advisers Act Rel. No. 5639 (Dec. 4, 2020). The Order alleges, in summary, that Mutimura pled guilty to one count of wire fraud in violation of Title 18 United States Code, Section 1343, and one count of investment adviser fraud in

violation of 15 U.S.C. Sections 80b-6 and 80b-17, before the United States District Court for the Southern District of New York, in *United States v. Parfait Mutimura*, Crim. No. 19-cr-592 (S.D.N.Y.). Order at II.B.1. The counts of the Superseding Information to which Mutimura pled guilty alleged, among other things, that, between April 2016 and March 2019, Mutimura made materially false and misleading statements and defrauded his clients “through unauthorized withdrawals and adviser fees for his own purposes.” See Order at II.B.3. On December 7, 2020, the Commission’s Office of the Secretary served Mutimura the Order by U.S. Mail at his current addresses at the Metropolitan Detention Center in Brooklyn, New York; U.S. Mail records indicate the Order was delivered on December 23, 2020. See Declaration of Service of Sheldon Mui, filed herewith.

In the Order, Mutimura was directed to file an Answer within twenty days after service of the Order. See Order at IV; see also Practice Rules 160(a) and 220(b), 17 C.F.R. §§ 201.160(a) and 201.220(b) (providing that a time period runs until the end of the next day that is not a Saturday or Sunday and that a respondent’s answer is due within 20 days of service). Under these provisions, Mutimura’s answer was due no later than January 12, 2021. Mutimura has not filed or served an answer on the Division as of the date of this motion. Where Mutimura has failed to appear and file an answer, entry of default is appropriate pursuant to Practice Rules 155(a)(2) and 220(f), 17 C.F.R. §§ 201.155(a)(2) and 201.220(f).

2. A Motion for Summary Disposition Is Appropriate.

The Division also requests leave to file a motion for summary disposition pursuant to Practice Rule 205, 17 C.F.R. § 201.250. The Division alleges in the Order that Mutimura has pleaded guilty to the violations listed above and requests the entry of remedial sanctions. The

determination of what sanctions should be entered is appropriate for resolution by summary disposition.

Therefore, the Division respectfully requests that default be entered against Mutimura and that the Division be granted leave to submit a motion for summary disposition addressing the sanctions that should be entered against him.

Dated: March 2, 2021.

Respectfully submitted,

/s/Richard G. Primoff

Richard G. Primoff
Sheldon Mui

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CERTIFICATE OF SERVICE

I certify that on March 2, 2021, I have caused the attached **Motion For Entry of Default And Permission to File Motion for Summary Disposition and Declaration of Service of Sheldon Mui (with exhibits) dated March 2, 2021**, to be served on March 2, 2021 on Respondent; and the original plus three copies to be sent to the Office of the Secretary, via U.S. mail at the addresses listed below:

Vanessa A. Countryman
Office of the Secretary
Securities and Exchange Commission
100 F. Street, N.S.
Washington, D.C. 20549
(Emailed to APFilings@sec.gov)

Mr. Parfait Mutimura
Register Number 76329-054
MDC Brooklyn
Metropolitan Detention Center
PO Box 329002
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/s/ Richard G. Primoff
Richard Primoff