

**UNITED STATES OF AMERICA**  
**Before the**  
**SECURITIES AND EXCHANGE COMMISSION**

**ADMINISTRATIVE PROCEEDING**  
**File No. 3-21280**

**In the Matter of**

**DARAYL D. DAVIS,**

**Respondent.**

**JOINT STATEMENT OF THE PARTIES**  
**REGARDING THE PREHEARING CONFERENCE**

Pursuant to Paragraph IV of the Order Instituting Administrative Proceedings, Rule 221 of the Securities and Exchange Commission’s Rules of Practice (17 C.F.R. § 201.221), the Division of Enforcement (“Division”), through its undersigned counsel, and Respondent DaRayl D. Davis (“Respondent”) (collectively, the “Parties”), hereby file this Joint Statement regarding the Prehearing Conference.

1. On November 21, 2023, the Securities and Exchange Commission (the “Commission”) ordered the parties to conduct a prehearing conference by December 13, 2023.

2. On December 13, 2023, parties conducted a telephonic prehearing conference. Prior to the telephonic conference, the parties communicated by email and set forth their respective positions concerning the subjects enumerated in Rule 221(c).

3. It is the position of the Division that, during the time in which Respondent conducted the fraudulent scheme of which he was criminally convicted and civilly enjoined in federal district court, Respondent acted as an investment adviser and was associated with a dually registered broker-dealer and investment adviser. Therefore, the only issue in this

Administrative Proceeding (“AP”) is whether barring Respondent from the securities industry is in the public interest. 17 C.F.R. § 201.221(c)(1).

4. Accordingly, the Division intends to file a motion for summary disposition pursuant to Rule 250(b). 17 C.F.R. § 201.221(c)(8).

5. Respondent intends to oppose the Division’s Rule 250 motion as it is his position that he did not act as an investment advisor relative to any of the transactions relevant to his criminal case, *United States v. DaRayl Davis*, No. 18-CR-00025 (N.D. Ill.) (“Criminal Action”). Respondent further intends to draw the Commission’s attention to his pending motion under 28 U.S.C. § 2255 (“Section 2255 Motion”) alleging ineffective assistance of counsel in the Criminal Action and an appeal of a ruling on his Section 2255 Motion. Respondent also intends to argue that the Commission obtained the civil judgment in *SEC v. Davis, et al.*, No. 17-CV-9224 (D. Ill.) due to his incarceration and inability to mount a defense.

6. The parties jointly propose the following briefing schedule for the Commission’s consideration:

- a. January 5, 2024: Deadline for the Division to file a Rule 250 motion;
- b. March 8, 2024: Deadline for Respondent to file an opposition to the Rule 250 motion; and
- c. March 22, 2024: Deadline for any reply paper in further support of Rule 250 motion.

7. The parties submit the attached proposed order for the Commission’s consideration.

8. Respondent is awaiting a transfer from the Federal Correctional Institution in Milan, Michigan to a prison camp in Illinois. The transfer is imminent and may impact Respondent's receipt of mail and the Division's Rule 250 motion.

9. The parties have agreed to communicate via email regarding Respondent's pending transfer. Counsel for the Division will alert the Commission to any possible delays that Respondent's transfer may cause to the proposed briefing schedule.

Dated: December 19, 2023

Respectfully submitted,

[Redacted signature block]

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s/ DaRayl D. Davis  
DaRayl D. Davis  
*Respondent*  
*(Signed with Permission)*

**CERTIFICATE OF SERVICE**

I hereby certify that, on this 19th day of December, 2023, with respect to In the Matter of DaRayl D. Davis Administrative Proceeding File No. 3-21280, I caused a true and correct copy of the Joint Statement of the Parties Regarding the Prehearing Conference to be filed and served by the eFAP system and upon the Respondent by U.S. Mail at the following address:

DaRayl D. Davis  
Register Number: 63665-037  
FCI Milan  
Federal Correctional Institution  
P.O. Box 1000  
Milan, MI 48160

Respectfully submitted,



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