

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

**ADMINISTRATIVE PROCEEDING  
File No. 3-21529**

**In the Matter of**

**RONALD SHANE FLYNN,**

**Respondent.**

**DIVISION OF ENFORCEMENT'S  
MOTION FOR AN AMENDED ORDER  
INSTITUTING ADMINISTRATIVE  
PROCEEDINGS**

Pursuant to SEC Rule of Practice 200(d), the Division of Enforcement (“Division”) respectfully requests that the Commission issue an amended Order Instituting Administrative Proceedings (“OIP”) in this matter. A proposed amended OIP is submitted herewith.

“The Commission has stated that amendments of orders instituting proceeding should be freely granted, subject only to the consideration that other parties should not be surprised, nor their rights prejudiced.” Rule of Practice 200, Comment d (citing *Carl L. Shipley*, 45 S.E.C. 589, 595 (1974)). Here, Respondent Ronald Shane Flynn (“Respondent”) will be neither prejudiced nor surprised by the Amended OIP. As a basic matter, proceedings arising out of the original OIP have not commenced. The Commission instituted proceedings against Respondent Ronald Shane Flynn (“Respondent”) on July 14, 2023. The Division believes that Respondent currently resides in the United Arab Emirates, but, as of this date, cannot confirm that he has been served with the original OIP. (*See* Status Report Concerning Service of Order Instituting Proceedings, submitted herewith). Moreover, the additional allegations in the amended OIP describe the same misconduct set forth in the Amended Complaint in the Commission’s district court action against Respondent, *SEC v. Vuuzle Media Corp. et al.*, No. 21-cv-1226 (D.N.J.), pursuant to which the district court

entered default judgment against Respondent on June 22, 2023. Respondent will not be surprised by the content of the amended OIP.

Finally, permitting an amended OIP will conserve party and Commission resources should Respondent default in this proceeding, as he did in the district court action. The Commission has recently made clear that, absent a full evidentiary record, it cannot grant a default where the Division’s allegations simply “recount the allegations of the Commission’s complaint.” *In re Warren A. Davis, et al.*, Nos. 3-19814, 3-19815, at 4 (April 25, 2023). Instead, the Division must “independently allege that [Respondent] engaged in particular misconduct.” *Id.* The amended OIP seeks to comply with this requirement. Should Respondent eventually default, the Division will ask the Commission to deem the allegations in the amended OIP true, eliminating the need for voluminous briefing and submission of exhibits and witness declarations.

**Conclusion**

For the reasons set forth above, the Division respectfully requests that the Commission issue an amended OIP.

Dated: October 26, 2023

Respectfully submitted,

/s/ Daniel J. Maher  
Devon L. Staren, Esq.  
Daniel Maher, Esq.  
Drew Isler Grossman, Esq.  
U.S. Securities and Exchange Commission  
100 F St. NE  
Washington, D.C. 20549  
202-551-5346 (Staren)  
starend@sec.gov  
202-551-4737 (Maher)  
maherd@sec.gov  
202-551-5558 (Grossman)  
grossmandr@sec.gov  
*Counsel for Division of Enforcement*

**CERTIFICATE OF SERVICE**

I certify that on October 27, 2023, I caused a copy of the forgoing to be mailed by Registered Mail to Respondent Ronald Shane Flynn and emailed to his email address



*/s/ Drew Isler Grossman*  
Name \_\_\_\_\_