

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 96640 / January 11, 2023

Admin. Proc. File No. 3-20659

In the Matter of

HUGHE DUWAYNE GRAHAM

ORDER REQUESTING BRIEFS

On November 19, 2021, the Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) against Hughe Duwayne Graham pursuant to Section 15(b) of the Securities Exchange Act of 1934 based on an injunction entered against him by the U.S. District Court for the Northern District of Ohio.¹ On August 15, 2022, and November 8, 2022, respectively, the Division of Enforcement filed a motion and a supplemental motion to amend the OIP to reflect that Graham pleaded guilty on March 11, 2022, to one count of conspiracy to commit securities fraud, in violation of 18 U.S.C. § 371, in a non-parallel criminal proceeding in the U.S. District Court for the Northern District of Ohio.

The Division also requests that the Commission amend the OIP’s third paragraph, which currently alleges that the Commission’s underlying civil complaint against Graham made certain allegations. By contrast, the Division’s proposed amendment to the third paragraph would allege the truth of the allegations found in the underlying civil complaint. The Division has not explained the purpose of this proposed amendment or its interaction with Rule of Practice 200(d)(1), which provides that the Commission may “amend an order instituting proceedings to include new matters of fact or law.”²

Accordingly, IT IS ORDERED that the Division file a brief regarding its proposed amendment to the third paragraph of the OIP by January 25, 2023. Graham shall file a response to the Division’s brief by February 8, 2023.

¹ *Hughe Duwayne Graham*, Exchange Act Release No. 93619, 2021 WL 5415352 (Nov. 19, 2021).

² 17 C.F.R. § 201.200(d)(1).

The parties' attention is directed to the most recent amendments to the Commission's Rules of Practice, which took effect on April 12, 2021, and which include e-filing requirements.³

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman
Secretary

³ *Amendments to the Commission's Rules of Practice*, 85 Fed. Reg. 86,464, 86,474 (Dec. 30, 2020), <https://www.sec.gov/rules/final/2020/34-90442a.pdf>; *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. The amendments impose other obligations such as a redaction and omission of sensitive personal information requirement. *Amendments to the Commission's Rules of Practice*, 85 Fed. Reg. at 86,465-81. And the amendments provide further requirements if a person cannot reasonably comply with the electronic filing requirements due to lack of access to electronic transmission devices. *Id.* at 86,478-79.