

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 97712 / June 13, 2023

INVESTMENT ADVISERS ACT OF 1940
Release No. 6327 / June 13, 2023

Admin. Proc. File No. 3-19476

In the Matter of

SONYA D. CAMARCO

ORDER TO FILE ANSWER AND RESPONSE TO MOTION

On September 20, 2019, the Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) against Sonya D. Camarco (“Respondent”), pursuant to Section 15(b) of the Securities Exchange Act of 1934 and Section 203(f) of the Investment Advisers Act of 1940.¹ In a letter to the Division of Enforcement dated November 27, 2019, Respondent stated that she is unable either to prepare a response to the OIP or to obtain representation to do so on account of her incarceration.

On December 19, 2019, the Division filed a Motion for Judgment against Respondent. The Division requests that the Commission find Respondent in default for not filing an answer and bar her from the securities industry based on the record and the allegations in the OIP.

Respondent’s letter does not constitute an answer because it does not comply with Rule 220 of the Commission’s Rules of Practice. It does not “specifically admit, deny, or state that the party does not have, and is unable to obtain, sufficient information to admit or deny each allegation” in the OIP; indeed, it does not address the OIP’s allegations at all.² To the extent the letter can be construed as a request for a stay of the proceedings until Respondent’s release from

¹ *Sonya D. Camarco*, Exchange Act Release No. 87035, 2019 WL 4572704 (September 20, 2019).

² Rule of Practice 220(c), 17 C.F.R. § 201.220(c).

prison, the request is denied.³ To the extent the letter can be construed as a request for a stay of the proceedings until Respondent retains counsel, that request is likewise denied.⁴

As stated in the OIP, Respondent's answer was required to be filed within 20 days of service of the OIP.⁵ And a response to the Division's motion for judgment against respondent was due within eight days after it was served.⁶ As of the date of this order, Respondent has filed neither an answer nor a response to the Division's motion.

Accordingly, Respondent is ORDERED to file both an answer that complies with Rule of Practice 220 and a response to the Division's motion by July 28, 2023. Respondent must address the substance of the Division's request for sanctions. Respondent shall deliver any response, including any answer and response to the Division's motion, to the proper prison authorities no later than the due date, for forwarding to the Commission's Office of the Secretary.⁷

If Respondent files a response to this order, the Division's motion for judgment will be construed as a motion for summary disposition and the Division may file a reply within 28 days of service of the response.⁸ If Respondent does not file a response, the Division's motion for

³ See, e.g., *Don Warner Reinhard*, Exchange Act Release No. 63720, 2011 WL 121451, at *7 n.29 (Jan. 14, 2011) (denying respondent's request for stay of proceeding pending his release from prison).

⁴ See, e.g., *William F. Lincoln*, Exchange Act Release No. 39629, 1998 WL 80228, at *3 (Feb. 9, 1998) ("In general, however, the Sixth Amendment does not entitle a respondent in an administrative proceeding to the appointment of counsel."); *Demitrios Julius Shiva*, Exchange Act Release No. 38389, 1997 WL 112328, at *3 n.14 (Mar. 12, 1997) ("[T]here is no statutory or constitutional right to counsel in an administrative proceeding of this kind.") (internal quotation marks omitted).

⁵ *Camarco*, 2019 WL 4572704, at *2; Rules of Practice 151(a), 160(b), 220(b), 17 C.F.R. §§ 201.151(a), 160(b), .220(b).

⁶ See Rules of Practice 154(b), 160(b), 17 C.F.R. §§ 201.154(b), .160(b). The Division's motion was served upon Respondent by certified mail.

⁷ See *Houston v. Lack*, 487 U.S. 266, 276 (1988) (holding that, under federal prison mailbox rule, pro se prisoners' notices of appeal are "filed" at moment of delivery to prison authorities for forwarding to the district court); *Adams v. United States*, 173 F.3d 1339, 1341 (11th Cir. 1999) (per curiam) (noting that this "mailbox rule [applies] to other filings by pro se prisoners").

⁸ Motions for summary disposition may be made under Rule 250(b) after a respondent's answer has been filed and documents have been made available to the respondent for inspection and copying pursuant to Rule of Practice 230. *Id.*; 17 C.F.R. § 201.230. The Division represents that this was completed on December 12, 2019.

judgment “shall be construed by the Commission as a motion for entry of an order of default and the imposition of remedial sanctions.”⁹

When a party defaults, the allegations in the OIP will be deemed to be true and the Commission may determine the proceeding against that party upon consideration of the record without holding a public hearing.¹⁰ The OIP informed Respondent that a failure to file an answer could result in deeming her in default and determining the proceedings against her.¹¹ The failure to timely oppose a dispositive motion is itself a basis for a finding of default;¹² it may result in the determination of particular claims, or the proceeding as a whole, adversely to the non-moving party and may be deemed a forfeiture of arguments that could have been raised at that time.¹³

The parties’ attention is directed to the e-filing requirements in the Commission’s Rules of Practice.¹⁴

⁹ See *Wesley Kyle Perkins*, Exchange Act Release No. 96822, 2023 WL 1819240, at *1 (Feb. 7, 2023).

¹⁰ Rules of Practice 155, 180, 17 C.F.R. §§ 201.155, .180.

¹¹ *Camarco*, 2019 WL 4572704, at *2.

¹² See Rules of Practice 155(a)(2), 180(c), 17 C.F.R. §§ 201.155(a)(2), .180(c); see, e.g., *Behnam Halali*, Exchange Act Release No. 79722, 2017 WL 24498, at *3 n.12 (Jan. 3, 2017).

¹³ See, e.g., *McBarron Capital LLC*, Exchange Act Release No. 81789, 2017 WL 4350655, at *3-5 (Sep. 29, 2017); *Bennett Grp. Fin. Servs., LLC*, Exchange Act Release No. 80347, 2017 WL 1176053, at *2-3 (Mar. 30, 2017), *abrogated in part on other grounds by Lucia v. SEC*, 138 S. Ct. 2044 (2018); *Apollo Publ’n Corp.*, Securities Act Release No. 8678, 2006 WL 985307, at *1 n.6 (Apr. 13, 2006).

¹⁴ *Amendments to the Commission’s Rules of Practice*, Exchange Act Release No. 90442, 2020 WL 7013370 (Nov. 17, 2020), 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 new redaction and omission of sensitive personal information requirement. *Amendments to the Commission’s Rules of Practice*, 85 Fed. Reg. at 86,465-81. Rules of Practice 150(c)(1) and 152(a)(1) allow a party who cannot serve or file documents electronically (due, for example, to a “lack of access to electronic transmission devices”) to serve or file paper documents upon making a certification to that effect. 17 C.F.R. §§ 201.150(c)(1), 152(a)(1).

Upon review of the filings in response to this order, the Commission will either direct further proceedings by subsequent order or issue a final opinion and order resolving the matter.

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

Vanessa A. Countryman
Secretary