

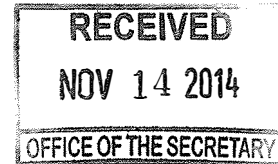
UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-16155

In the Matter of

Nicholas B. Rowe,

Respondent.



DIVISION OF ENFORCEMENT'S
MOTION FOR LEAVE TO FILE MOTION FOR SUMMARY DISPOSITION

The Division of Enforcement (“Division”) moves for leave to file a motion for summary disposition, pursuant to Rule 250 of the Commission’s Rules of Practice [17 C.F.R. 201.250]. This matter seeks the imposition of an industry bar (including collateral bars) pursuant to Section 203(f) of the Investment Advisers Act of 1940 [15 U.S.C. § 80b-3(f)] following the entry of a consent order by the New Hampshire Bureau of Securities Regulation on March 12, 2013 (“Consent Order”). The Consent Order orders Respondent to cease and desist from violating two sections of New Hampshire law prohibiting investment advisers from engaging in unethical business practices (RSA 421-B:3 and RSA 421-B:4). The Division believes this matter is appropriate for summary disposition because:

1. The imposition of collateral bars has been found appropriate on a motion for summary disposition. *See, e.g., Patrick G. Rooney*, Initial Decision Rel. No. 638, 2014 WL 3588060 (July 22, 2014) (bars imposed based on federal district court injunction); *Aaron Jousan Johnson*, Initial Decision Rel. No. 608, 2014 WL 2448901 (June 2, 2014) (applying Rule 250 after

default of respondent, bars imposed based on issuance of state order); *Peter Siris*, Initial Decision Rel. No. 477, 2012 WL 6738469 (Dec. 31, 2012) (bars imposed based on federal district court injunction); *Stanley Brookstreet, et al.*, Initial Decision Rel. No. 475, 2012 WL 6132660 (December 11, 2012) (same).

2. Respondent's Answer, filed November 10, 2014, does not dispute that the New Hampshire Bureau of Securities Regulation entered a Consent Order on March 12, 2012.¹ *See* Respondent's Answer, p. 2.

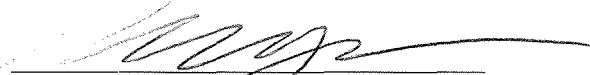
If this Motion for Leave is granted, the Division proposed the following summary disposition briefing schedule:

Division's Motion: December 8, 2014

Respondent's Opposition: January 9, 2015

Division's Reply: January 16, 2015

Respectfully submitted,

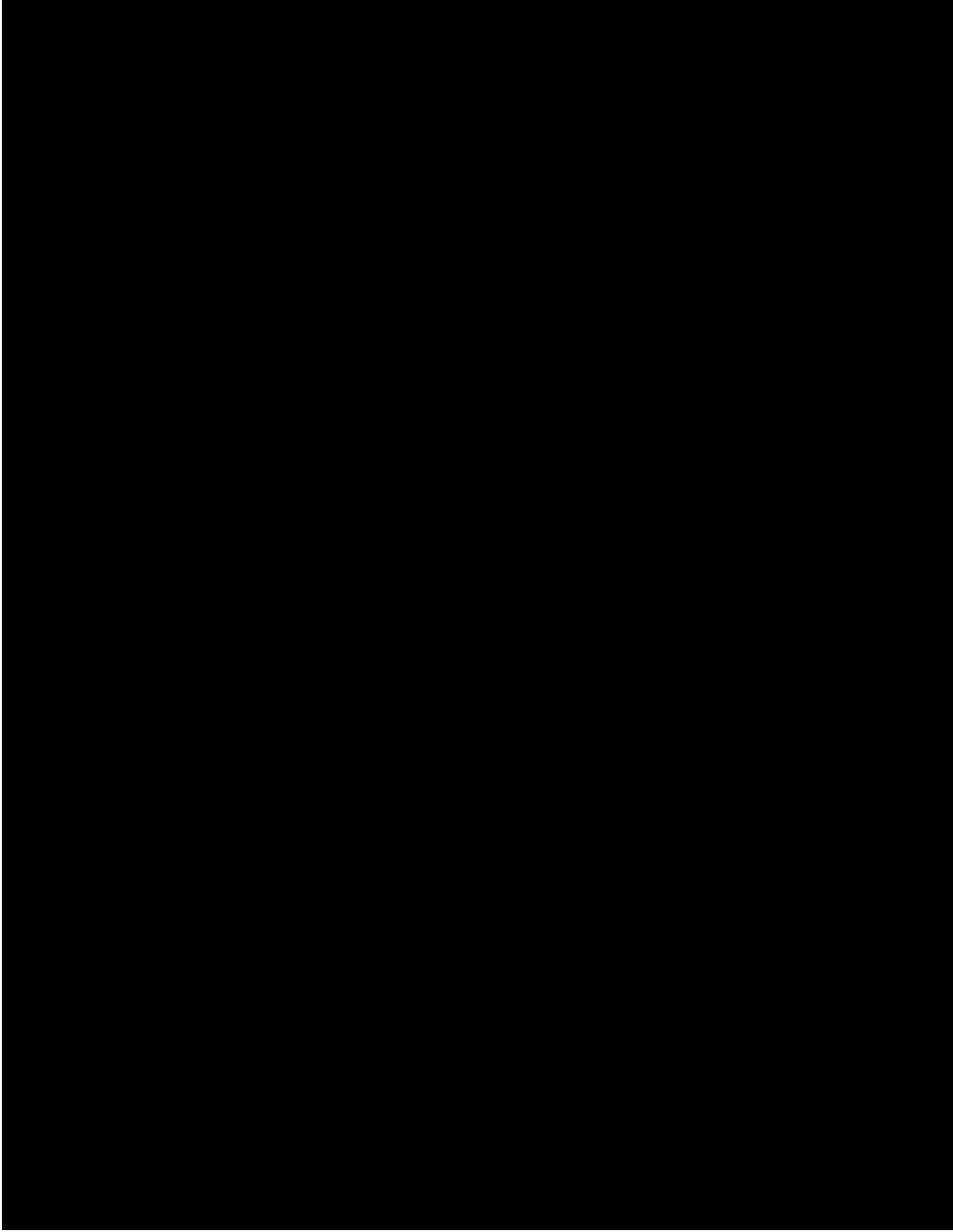


Marc J. Jones, Senior Trial Counsel
Lawrence Pisto, Senior Counsel
U.S. Securities and Exchange Commission
Boston Regional Office
33 Arch Street, 23d Floor
Boston, MA 02110
Tel: (617) 573-8947
Fax: (617) 573-4590
Email: jonesmarc@sec.gov

COUNSEL FOR DIVISION OF ENFORCEMENT

Date: November 12, 2014

¹ Respondent does, however, contest his consent to the Consent Order, claiming he was under duress. *See* Respondent's Answer, p. 2.





**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION**

Boston Regional Office
33 Arch St., 23rd Floor
Boston, MA 02110-1424
Telecopier: (617) 573-4590
Telephone: (617) 573-8900

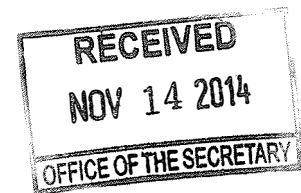
DIVISION OF ENFORCEMENT

Marc J. Jones
Senior Trial Counsel
(617) 573-8947

November 12, 2014

By Overnight Delivery

Mr. Brent Fields
Securities and Exchange Commission
Office of the Secretary
100 F Street, N.E.
Washington, DC 20549



Re: *In the Matter of Nicholas Rowe*
Administrative Proceeding File No. 3-16155

Dear Mr. Fields:

Enclosed please find an original and three copies of the Division of Enforcement's Motion for Leave to File Summary Disposition.

Very truly yours,

A handwritten signature in cursive script that reads "Marc Jones".

Marc J. Jones

Enclosures: Motion

cc: Honorable Jason S. Patil (by overnight delivery)
Nicholas Rowe (by overnight delivery)