

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 5403 / October 11, 2019

Admin. Proc. File No. 3-19510

In the Matter of ALBERT K. HU

EXTENSION ORDER

On September 24, 2019, the Securities and Exchange Commission issued an order instituting proceedings (“OIP”) against Albert K. Hu pursuant to Section 203(f) of the Investment Advisers Act of 1940.¹ On October 3, 2019, Hu sent an email to the APFilings@sec.gov mailbox attaching a motion requesting an extension of time. Hu’s motion requested a ninety-day extension of time to respond to the OIP and stated that “multiple extenuating situations” made the extension necessary.

Hu’s motion stated that “[p]aper copies will be served accordingly,” but the Office of the Secretary did not receive paper copies. We remind the parties that filings emailed to APFilings@sec.gov are courtesy copies and not substitutes for compliance with the Rules of Practice governing the filing of papers. Although Hu also did not include a certificate of service with his motion, subsequent filings by the Division of Enforcement indicate that Hu properly served the motion on the Division. We remind the parties that Commission Rule of Practice 151(d) requires that a certificate of service be included with all filings.²

On October 8, 2019, the Division filed a response to Hu’s motion. The Division did not oppose Hu’s request for an extension “that gives him time to get his personal affairs in order and to review pleadings before submitting an answer,” but did label Hu’s motion “improper . . . to the extent that he seeks more time to challenge” the 2009 Commission complaint and 2013 district court judgment that forms the basis of this follow-on proceeding.

Because the Division has been afforded the opportunity to respond to Hu’s motion, we will treat the motion submitted to the APFilings@sec.gov mailbox as properly filed. In the

¹ *Albert K. Hu*, Advisers Act Release No. 5365, 2019 WL 4645968 (Sept. 24, 2019), <https://www.sec.gov/litigation/admin/2019/ia-5365.pdf>.

² 17 C.F.R. § 201.151(d). We direct the parties’ attention to Rules of Practice 150 through 153, 17 C.F.R. § 201.150–.153, which explain the service and filing requirements in more detail.

future, however, the Commission will not accept documents unless they are properly filed, as outlined in the Commission's Rules of Practice, which can be found at <http://www.sec.gov/about/rulesofpractice.shtml>.³

Extensions of time are disfavored. However, it appears appropriate under the circumstances to grant Hu's request. Therefore, it is ORDERED that Hu's time for filing an answer to the OIP is extended to January 6, 2020.

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

Vanessa A. Countryman
Secretary

³ We direct Hu's attention to Rule of Practice 220, which governs the standards for filing answers and related motions. *See* 17 C.F.R. § 201.220.