

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940  
Release No. 5637 / December 2, 2020

Admin. Proc. File No. 3-19245

In the Matter of  
  
KIMM C. HANNAN

ORDER

On July 11, 2019, the Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) against Kimm C. Hannan pursuant to Section 203(f) of the Investment Advisers Act of 1940.<sup>1</sup> The OIP directed Hannan to file an answer to the allegations contained therein within 20 days of service of the OIP.<sup>2</sup> The OIP also called the parties’ attention to Commission Rule of Practice 151(b), which provides that “[f]iling of papers with the Commission shall be made by filing them with the Secretary.”<sup>3</sup>

Although Hannan was served with the OIP by August 27, 2019, he failed to file an answer. On January 16, 2020, the Division of Enforcement filed a motion for an order entering a default against Hannan and requested that the Commission bar Hannan from the securities industry based on the record and the allegations in the OIP. The motion included a Declaration of Timothy J. Stockwell, which attached a letter from Hannan to the Division dated August 28, 2019. In that letter, Hannan referenced the possibility of a hearing in this matter and stated that “[i]f the SEC is going to use the trial and convictions using state law as the basis for their decision, I will fight as long as I’m breathing.” Hannan did not make a filing with the Commission.

Hannan has not filed an answer to the OIP, but he has suggested that he would like to defend this proceeding. In light of that suggestion, Hannan is ordered to file an answer to the

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<sup>1</sup> *Kimm C. Hannan*, Advisers Act Release No. 5295, 2019 WL 3035536 (July 11, 2019), available at <https://www.sec.gov/litigation/admin/2019/ia-5295.pdf>; see 15 U.S.C. § 80b-3(f).

<sup>2</sup> *Hannan*, Advisers Act Release No. 5295, 2019 WL 3035536, at \*2; see Rule of Practice 220, 17 C.F.R. § 201.220.

<sup>3</sup> *Hannan*, 2019 WL 3035536, at \*2; Rule of Practice 151(b), 17 C.F.R. § 201.151(b). Our current Rules of Practice are available at [www.sec.gov/about/rules-of-practice-2019-09.pdf](http://www.sec.gov/about/rules-of-practice-2019-09.pdf).

allegations made in the OIP.<sup>4</sup> We direct Hannan's attention to the OIP, which contains the allegations against him.<sup>5</sup> Hannan's answer must be filed and served consistent with the Commission's Rules of Practice no later than December 23, 2020. Hannan shall deliver any answer to be filed by mail to the proper prison authorities no later than the due date for forwarding to the Commission's Office of the Secretary.<sup>6</sup> If Hannan does not file an answer, he could be deemed in default and the proceeding determined against him.<sup>7</sup> Upon review of any filing in response to this order, the Commission will direct further proceedings by subsequent order.

The parties' attention is called to the Commission's March 18, 2020 order regarding the filing and service of papers, which provides that pending further order of the Commission parties to the extent possible shall submit all filings electronically at [apfilings@sec.gov](mailto:apfilings@sec.gov).<sup>8</sup>

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

Vanessa A. Countryman  
Secretary

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<sup>4</sup> See Rule of Practice 220(c), 17 C.F.R. § 201.220(c) (providing that "an answer shall 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 order instituting proceedings" and "must affirmatively state . . . any avoidance or affirmative defense . . .").

<sup>5</sup> See *supra* note 1.

<sup>6</sup> See *Houston v. Lack*, 487 U.S. 266, 266 (1988) (under federal prison mailbox rule, "pro se prisoners' notice of appeal are 'filed' at moment of delivery to prison authorities for forwarding to district court"); *Adams v. United States*, 173 F.3d 1339, 1341 (11th Cir. 1999) (noting that this "mailbox rule [applies] to other filings by pro se prisoners").

<sup>7</sup> *Hannan*, 2019 WL 3035536, at \*2; Rules of Practice 155(a), 220(f), 221(f), 310, 17 C.F.R. §§ 201.155(a), 201.220(f), 201.221(f) and 201.310.

<sup>8</sup> See *Pending Administrative Proceedings*, Exchange Act Release No. 88415, <https://www.sec.gov/litigation/opinions/2020/33-10767.pdf>.