

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

Administrative Proceedings Rulings
Release No. 6279 / November 1, 2018

Administrative Proceeding
File No. 3-17848

In the Matter of
James P. Griffin

**Order Finding Service and
Setting Deadline
for Amended Answer**

The Division of Enforcement has submitted a notice that Respondent James P. Griffin has not submitted a signed settlement offer within the time allowed by Rule of Practice 161(c)(2), 17 C.F.R. § 201.161(c)(2). The stay therefore lapsed on October 30, 2018. *See* 17 C.F.R. § 201.161(c)(2)(i)(A).

I have reviewed the record of the proceeding from before it was reassigned to me and determined that Griffin filed an answer to the order instituting this proceeding (OIP) on March 21, 2017. Based on his answer and the U.S. Postal Service signed certification of delivery received by the Office of the Secretary, I find that Griffin was served with the OIP on February 21, 2017. *See* 17 C.F.R. § 201.141(a)(2)(1).¹

I ORDER that, if Griffin wishes to file an amended answer, he must do so by November 30, 2018, which accounts for delays that may result from his

¹ The record does not contain direct evidence regarding *where* Griffin was incarcerated when he received the OIP. But I take official notice that he is currently incarcerated at U.S. Penitentiary Canaan. Fed. Bureau of Prisons, Find an Inmate, <https://www.bop.gov/inmateloc/> (search “Find by Name” for “James P Griffin”) (last visited Nov. 1, 2018); *see* 17 C.F.R. § 201.323. According to the delivery certification, USP Canaan is the prison to which the OIP was delivered on February 21, 2017. And during a March 27, 2017, telephonic conference with the prior administrative law judge, Griffin stated that he had “been incarcerated for 60 days here.” Prehr’g Tr. 5. Taken together, the circumstantial evidence supports the finding that Griffin resided at USP Canaan in February 2017.

incarceration. *See Pending Admin. Proc.*, Securities Act of 1933 Release No. 10536, 2018 SEC LEXIS 2058, at *4 n.7 (Aug. 22, 2018) (allowing modification of deadlines for good cause). If he does not wish to amend his answer, then Griffin should file a notice that he wishes to rely on his previously filed answer by the same date, November 30.

If Griffin fails to file an amended answer or a notice of his intention to rely on his previously filed answer and does not otherwise participate in this proceeding, I may enter an initial decision of default against him. *See Pending Admin. Proc.*, 2018 SEC LEXIS 2058, at *4; 17 C.F.R. § 201.155(a).

Cameron Elliot
Administrative Law Judge