

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 717 / August 15, 2012

ADMINISTRATIVE PROCEEDING
File No. 3-14714

In the Matter of	:	ORDER DISCONTINUING
	:	PROCEEDING
ALAIN A. ASSEMI	:	

The Securities and Exchange Commission (Commission) instituted this proceeding with an Order Instituting Administrative Proceedings on January 25, 2012, pursuant to Section 203(f) of the Investment Advisers Act of 1940. On August 14, 2012, this Office received the Division of Enforcement's (Division) Motion to Discontinue Administrative Proceeding as Respondent Cannot Be Located (Motion). The Motion represents that on December 2, 2011, the United States District Court for the District of Kansas entered a final judgment against Alain A. Assemi (Assemi), permanently enjoining him from future violations of certain securities laws in SEC v. Seaforth Meridian, No. 5:06-CV-4107-RDR. The Division requests that this proceeding be discontinued because, after taking substantial steps, including multiple mailings, hiring a commercial process server, who conducted additional research, and itself conducting additional research attempting to ascertain any alternate residences, it has been unable to locate Assemi, has taken all steps it believes reasonably necessary to locate Assemi, and does not believe that the expenditure of additional resources would be appropriate.

Ruling

The Commission has delegated to the Chief Administrative Law Judge the authority to "grant motions of staff counsel to discontinue administrative proceedings as to a particular respondent who has died or cannot be found, or because of a mistake in the identity of a respondent named in the order for proceedings." 17 C.F.R. § 200.30-10(a)(8).

Given that the Division has made considerable unsuccessful efforts to serve Assemi and that the Commission cannot act until he has been served, I GRANT the Motion and ORDER that the proceeding is discontinued.

Brenda P. Murray
Chief Administrative Law Judge