

ADMINISTRATIVE PROCEEDING  
FILE NO. 3-11626

UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION  
February 22, 2006

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In the Matter of	:	
	:	ORDER DISMISSING PROCEEDING
MARK N. DOHLEN,	:	WITHOUT PREJUDICE AS TO
PAUL A. GILES, and	:	MARK N. DOHLEN AND PAUL A.
ALFRED PEEPER	:	GILES
	:	

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The Securities and Exchange Commission (Commission) issued its Order Instituting Proceedings (OIP) on September 1, 2004, under the caption John A. Carley, et al. Eleven individuals and entities were named as Respondents. The Commission served the OIP on eight of the eleven Respondents, and I have resolved the charges as to those eight Respondents.<sup>1</sup>

The Commission granted the motion of the Division of Enforcement (Division) to sever the charges against Respondents Mark N. Dohlen (Dohlen), Paul A. Giles (Giles), and Alfred Peeper (Peeper), who had not been served with the OIP. John A. Carley, 84 SEC Docket 2317 (Jan. 3, 2005). In its Order, the Commission also denied the Division's request for a stay of the proceedings as to Dohlen, Giles, and Peeper.<sup>2</sup>

By Order dated August 18, 2005, I directed the Division to show cause why this proceeding should not be dismissed without prejudice as to Dohlen, Giles, and Peeper in accordance with Richard Cannistraro, 53 S.E.C. 388 (1998). The Division responded to that

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<sup>1</sup> One Respondent, Le Fond Mondial D'Investissement S.A., failed to file an Answer to the OIP and I issued a default order as to it. John A. Carley, 84 SEC Docket 648 (Nov. 23, 2004). After holding a public hearing, I issued an Initial Decision as to the other seven Respondents. John A. Carley, 85 SEC Docket 4031 (July 18, 2005). Five of those seven Respondents filed petitions for review, which the Commission granted. The Commission issued a notice of finality as to the two Respondents who did not file petitions for review. Roy E. Gould, Securities Act Release No. 8603, 86 SEC Docket \_\_\_ (Aug. 18, 2005).

<sup>2</sup> The OIP identifies Dohlen as a resident of Canada. It describes Giles as a Canadian citizen who is "believed to currently be a resident of Florida" (OIP ¶¶ II.A). It characterizes Peeper as a resident of Spain and a citizen of the Netherlands. In Paragraph IV of the OIP, the Commission directed that the OIP be served "forthwith upon Respondents personally or by certified mail."

Order on September 1, 2005. It elaborated on its written response at telephonic prehearing conferences on September 7, November 4, and December 12, 2005, and January 18, 2006.

The Division has made diligent, but unsuccessful, efforts to locate Dohlen and Giles. It has searched all available American and Canadian law enforcement data bases and contacted Interpol. It has now been approximately eighteen months since the Commission issued the OIP. There is little likelihood that service can be effectuated on Dohlen or Giles in the foreseeable future.<sup>3</sup>

IT IS ORDERED THAT the proceeding is dismissed without prejudice as to Mark N. Dohlen and Paul A. Giles. If the Division alleges that this Order contains a manifest factual error, it may file a petition for correction within ten days after service of this Order. Cf. Rule 111(h) of the Commission's Rules of Practice. If the Division elects to appeal this Order to the Commission, it must do so within twenty-one days after service of the Order. Cf. Rule 360 of the Commission's Rules of Practice.

  
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James T. Kelly  
Administrative Law Judge

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<sup>3</sup> The Division believes that it has located Peeper, but it has not yet served him. This matter will be addressed at a telephonic prehearing conference scheduled for March 16, 2006, at 1:00 p.m. E.S.T. The proceeding will remain pending as to Peeper.