

ACT

ADMINISTRATIVE PROCEEDING
FILE NO. 3-10456

SECURITIES & EXCHANGE COMMISSION
MAILED FOR SERVICE

MAR 15 2002

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
March 12, 2002

CTFD. NO. _____

In the Matter of	:	
	:	
ALPHA TECH STOCK TRANSFER,	:	ORDER ON MOTION TO
and JAMES W. FARRELL	:	POSTPONE BRIEFING DATE
	:	
	:	

The Securities and Exchange Commission (“Commission”) instituted this proceeding on April 17, 2001. I concluded two days of hearing on December 11, 2001. With the agreement of the parties, I ordered a briefing schedule at the conclusion of the hearing that had the final brief due on March 8, 2002. (Tr. 341.) On January 25, 2002, I granted a seven-day extension so that the final brief is now due March 15, 2002, but I denied the parties’ joint request that I extend the briefing dates for thirty days because they failed to show the requisite good cause for the extension. In addition, postponing receipt of briefs would almost certainly delay issuance of the initial decision. The Division of Enforcement (“Division”) followed the revised schedule and filed its Proposed Findings of Fact and Conclusions of Law and its Post-Trial Brief In Support of Proposed Findings of Fact and Conclusions of Law (“Post-Trial Brief”) on February 6, 2002.

On March 11, 2002, my office called Respondents’ counsel to inquire about the status of Respondents’ Rebuttal Brief that was due on March 5, 2002, under the revised schedule.¹ From that conversation, I learned that Respondents’ counsel had filed a motion for a thirty-day extension for the due date of their Rebuttal Brief with the Commission.² The reasons stated for the request are the length of the Division’s brief, the number of issues it raised, counsel’s heavy workload, and his sole practitioner status.

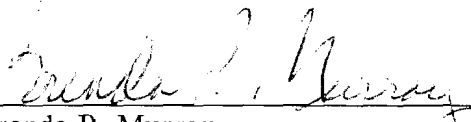
¹ Mr. Farrell controls Alpha Tech Stock Transfer so while there are two parties there will be but one filing.

² I am on the service list of the Order Instituting Proceedings, but Respondents did not serve me with a copy of the “Motion for Additional Time In Which To Respond To Respond To Post-Trial Brief of the Division of Enforcement.” The certificate of service is dated March 7, 2002.

Ruling

Respondents' have not shown good cause for extending by thirty days the date by which they must file their Rebuttal Brief. See 17 C.F.R. § 201.340. The Division's Post-Trial Brief is only twenty-five pages in length, the issues raised are those set out in the Order Instituting Proceedings, and counsel's sole practitioner status is of his own choosing. I will grant a seven-day extension from when I became aware of the postponement request, inasmuch as the due date has already passed.

I ORDER that Respondents' Rebuttal Brief is due March 18, 2002, and the Division's Final Brief is due March 28, 2002. My office will notify the parties of this Order by telephone and facsimile.


Brenda P. Murray
Chief Administrative Law Judge