

SECURITIES & EXCHANGE COMMISSION
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UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
February 28, 2002

CTFD. NO. _____

In the Matter of :
: PREHEARING ORDER DENYING
: MOTION FOR MORE DEFINITE
BRUCE E. STRAUGHN : STATEMENT AND MOTION TO
: AMEND ANSWER
:
:
:

The Securities and Exchange Commission (“Commission”) instituted this proceeding on November 16, 2001. On January 25, 2002, Respondent Bruce E. Straughn filed a Motion for More Definite Statement. Straughn argues that the Order Instituting Proceedings (“OIP”) is “unconstitutionally vague and fails to fully apprise this Respondent of such allegations against him with sufficient particularity.” Straughn supplemented his motion with a Memorandum in Support of Motion for More Definite Statement on February 19, 2002, seeking aid in “understanding and resolve regarding the insufficiency of the interested division’s charging statement of bribery.”

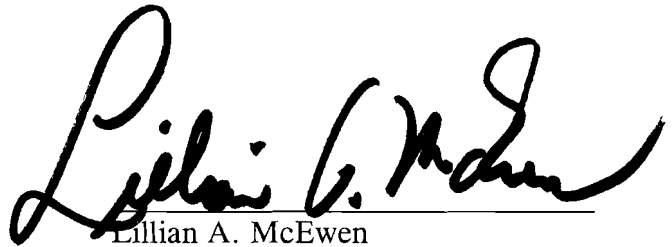
The Division of Enforcement (“Division”) filed its Response and Brief in Opposition to Respondent Straughn’s Motion for a More Definite Statement on February 6, 2002. As the Division correctly points out, Straughn’s motion is untimely as such a motion is required to be filed with an answer.¹ See Rule 220(d) of the Commission’s Rules of Practice, 17 C.F.R. § 201.220(d). The Division also argues that the OIP essentially summarizes the one-count criminal charge against Straughn of misprision of a felony, which is directly related to the allegations in the OIP. I credit the Division’s argument that Straughn knows the facts that comprise the basis for the OIP because he pleaded guilty to the criminal charge and was represented by counsel in the criminal proceeding. Therefore, the OIP adequately informs Straughn of the nature

¹ Straughn filed a separate Motion to Strike or in the Alternative Motion for a More Definite Statement with his Answer on December 10, 2001, but voluntarily withdrew such motion on January 7, 2002.

of the charges against him, sufficient for him to prepare a defense. Accordingly, Straughn's Motion for More Definite Statement is denied.

On January 28, 2002, Straughn filed a Motion to Amend Answer pursuant to Rule 220 of the Commission's Rules of Practice, 17 C.F.R. § 201.220. Straughn seeks to amend his Answer to add an Exhibit 7. Respondent made a similar request on January 9, 2002. As I stated in my January 23, 2002, Prehearing Order and Order Granting Motion to Amend Answer, exhibits must be offered at trial to be considered evidence in the instant case, pursuant to Rules 111, 320, and 326 of the Commission's Rules of Practice, 17 C.F.R. § 201.111, .320, and .326. Accordingly, Straughn's Motion to Amend Answer is denied.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Lillian A. McEwen". The signature is written in a cursive style with a large initial "L".

Lillian A. McEwen
Administrative Law Judge