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ADMINISTRATIVE PROCEEDING
FILE NO. 3-11086-EAJA

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
February 18, 2005

SECURITIES & EXCHANGE COMMISSION
MARKET FOR SERVICE

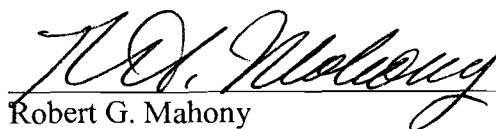
FEB 22 2005

In the Matter of	:	
	:	
DOUGLAS W. POWELL,	:	
CHARLES D. ELLIOTT, III,	:	ORDER GRANTING
and RUSSELL S. TARBETT	:	ADDITIONAL TIME
	:	

The undersigned issued an Initial Decision in this matter on August 17, 2004, dismissing all allegations against Respondents. Douglas W. Powell, 83 SEC Docket 2056. That decision became final on September 22, 2004. Douglas W. Powell, Exchange Act Release No. 50423. On October 22, 2004, Charles D. Elliott, III (Elliott), submitted his timely application for reimbursement of his attorneys' fees under the Equal Access to Justice Act (EAJA), 5 U.S.C. § 504. By my Order of December 17, 2004, the Division of Enforcement (Division) was granted additional time, until February 22, 2005, in which to attempt settlement with Elliott. On February 18, 2005, the Division filed a Request For Additional Time To Settle EAJA Claim. Therein, the Division represents that it has received a proposed settlement offer from Mr. Elliott and intends to recommend it to the Commission for consideration. The Division represents that Elliott does not object to its request for extension of time, but that he does note that any delay in settlement was caused by the Division.

Pursuant to 17 C.F.R. § 201.52(b), the Division's request for additional time, until April 25, 2005, to finalize the settlement, is hereby GRANTED.

SO ORDERED.


Robert G. Mahony
Administrative Law Judge