

ADMINISTRATIVE PROCEEDING
FILE NO. 3-12093

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
November 23, 2005

In the Matter of	:	
	:	ORDER POSTPONING HEARING
ROBERT HENRICKS	:	AND SETTING PREHEARING
	:	CONFERENCE DATE
	:	

The Securities and Exchange Commission (Commission) initiated this proceeding with an Order Instituting Proceeding (OIP) on October 31, 2005, issued pursuant to Section 15(b) of the Securities Exchange Act of 1934. The OIP alleges that Robert Henricks (Henricks) was employed as an unregistered broker with a broker-dealer registered with the Commission from July to December 2000, and that he was convicted following a guilty plea of one count of conspiracy to commit securities fraud. United States v. Henricks, 05 Cr. 716 (D.N.J. Oct. 6, 2005). A hearing is scheduled to begin on November 28, 2005.

The Commission's file indicates that on October 31, 2005, the Commission sent copies of the OIP by certified mail to Henricks and to Steven L. Brounstein, Esq. (Brounstein). The file does not show that either Henricks or Brounstein received the OIP. The OIP requires an Initial Decision no later than 210 days after service of the OIP.

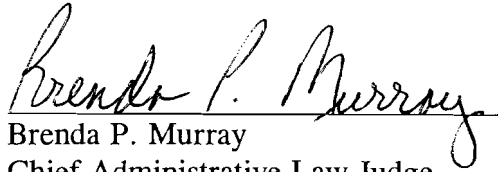
Brounstein has not entered an appearance for Henricks as required by Rule 102(d)(2), however, the Division of Enforcement (Division) notified Brounstein on November 15, 2005, that it would make available documents obtained in connection with the investigation that led to its recommendation to institute the proceeding against his client. See 17 C.F.R. § 201.230(a)(1).

In a letter dated November 18, 2005, the Division requests an indefinite stay of the proceeding because it represents that it received the attached signed, but unsworn, Offer of Settlement from Henricks on November 18, 2005, and that it will submit the Offer of Settlement to the Commission within twenty business days. See 17 C.F.R. § 201.161. The Division also requests a prehearing conference on December 9, 2005, at 10:00 a.m. Eastern Time, in the event the proceeding remains unresolved on that date.

Ruling

Henricks signed the Offer of Settlement on November 9, 2005. This is the first date in the record that indicates he was aware of the proceeding and I will use it as the date of service of the OIP. An Initial Decision is therefore due by June 7, 2006.

I deny the Division's request for a stay pursuant to Rule 161(c)(2) of the Commission's Rules of Practice because the rule requires a joint motion, which is lacking in this situation. See 17 C.F.R. § 201.161(c)(2). Because Henricks and the Division appear to have agreed to settle the proceeding, I POSTPONE the hearing scheduled for November 28, 2005, and I ORDER a telephonic prehearing conference for December 21, 2005, at 10:00 a.m. Eastern Time. December 21 is twenty-two business days after the Division received the Offer of Settlement. The prehearing conference will not be held if the Division submits the Offer of Settlement to Commission within twenty business days.


Brenda P. Murray
Chief Administrative Law Judge