

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
January 6, 2003

SECURITIES & EXCHANGE COMMISSION
MAILED FOR SERVICE

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In the Matter of :

CLARKE T. BLIZZARD and :
RUDOLPH ABEL :

ORDER

CTFD. NO. HST-CLASS

The hearing in this matter commenced October 15, 2002, and concluded November 18. The record was closed November 18. The dates for the parties' post-hearing briefs and proposed findings of fact and conclusions of law are January 31, 2003, for the Division of Enforcement (Division) and February 28 for Respondents. The Division's reply is due March 31.

Prior to the hearing, the Securities and Exchange Commission (Commission) disqualified Attorney Daniel I. Small from representing Respondent Rudolph Abel and several individuals whom the Division of Enforcement (Division) had proposed to call as witnesses at the hearing. See Clarke T. Blizzard and Rudolph Abel, 77 SEC Docket 1515 (Apr. 24, 2002) (Disqualification Order) (disqualifying Mr. Small). The Commission then denied Mr. Abel's request to stay this proceeding while he sought judicial review of the disqualification. See Clarke T. Blizzard and Rudolph Abel, Admin. Proc. No. 3-10007 (July 18, 2002) (unpublished) (Order Denying Stay).

By letter of December 19, 2002, Mr. Small indicates that Mr. Abel retained him to prepare post-trial pleadings. He argues that the Disqualification Order permits this and that possible conflicts in testimony on which it was based did not materialize. The Division opposes Mr. Small's representation.

The Commission disqualified Mr. Small from representing Mr. Abel during "the proceeding" not one phase of it.¹ The undersigned is not authorized to review Commission rulings.

IT IS SO ORDERED.



Carol Fox Foelak
Administrative Law Judge

¹ See Order Denying Stay at 1 (Mr. Small disqualified "from representing both Abel and any witness to be called against Abel in the proceeding pending against him"). Also, "the Disqualification Order was based on 'the serious potential for prejudice to the integrity of the proceeding' . . . inherent in Small's representation of Abel with respect to subject matters . . . substantially related to his representation of the Witnesses. . . . [,] not on an identified conflict in the anticipated testimonies of Abel and any of the Witnesses." Id. at 2.