

ALS

ADMINISTRATIVE PROCEEDING
FILE NO. 3-11366

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
January 28, 2004

JAN 29 2003

In the Matter of :
: ORDER
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GREGG BECKER :
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The Securities and Exchange Commission (Commission) issued its Order Instituting Proceedings (OIP) on December 29, 2003, and Respondent's agent acknowledged receipt of the OIP at Hicksville, N.Y., on January 5, 2004. Under Rule 220(b) of the Commission's Rules of Practice and Paragraph IV of the OIP, Respondent's answer to the OIP was due no later than January 26, 2004. No answer has been received.


Under ordinary circumstances, I would now issue an Order, finding Respondent in default pursuant to Rules 155(a)(2) and 220(f) of the Commission's Rules of Practice. However, on January 21, 2004, the Division of Enforcement (Division) requested leave to file a motion for summary disposition and an order converting the scheduled hearing to a telephonic prehearing conference. The Division's motion, filed before the time for answering the OIP had expired, may have inadvertently led Respondent to believe that he was not obliged to file an answer. This Order will clarify that the Division's motion had no such effect. Respondent was obliged either to file an answer or request additional time to file an answer by January 26, 2004.

The Division's request for leave to file a motion for summary disposition is denied. Summary disposition is premature until an answer has been filed and the inspection and copying of the Division's investigative file has been completed. The Division's motion to convert the scheduled hearing to a telephonic prehearing conference is also denied. I will not hold a prehearing conference until after I have received an answer. Of course, the Division may renew its motion at a later date, if necessary.

On or before February 12, 2004, Respondent must show cause in writing why he should not be held in default for failing to file a timely answer to the OIP. The

hearing now scheduled for February 9, 2004, is postponed until February 17, 2004, at the time and place previously ordered.

SO ORDERED.



James T. Kelly
Administrative Law Judge