

ADMINISTRATIVE PROCEEDING
FILE NO. 3-11367

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

In the Matter of :
: ORDER
: EDWARD BECKER
:
:
:

The Securities and Exchange Commission (Commission) issued its Order Instituting Proceedings (OIP) on December 29, 2003. Respondent's agent acknowledged receipt of the OIP on January 6, 2004.

By pleading dated January 10, 2004 (postmarked on January 12, 2004, and received by this Office on January 21, 2004), Respondent Edward Becker (Becker) stated that he lacks sufficient information to admit or deny the allegations in the OIP. The pleading will be treated as Becker's answer.

Becker also made several requests, which the Division of Enforcement (Division) has opposed. Becker first asks that this proceeding be adjourned until he is released from prison in March 2005. That request is denied, pursuant to Rule 161 of the Commission's Rules of Practice. Special care will be taken to fashion procedures that take into account Becker's incarceration. Becker next represents that he is impoverished. He asks that the cost of his defense, including charges associated with inspection and copying of documents and travel expenses incurred by any witnesses, be shifted to the government. That request is also denied, because neither the Commission's Rules of Practice nor any statutory provision authorize such payments.


Other issues addressed by Becker, such as the scope of the documents to be made available for inspection and copying and the venue for inspection and copying, can be discussed at a telephonic prehearing conference. Both sides are urged to be flexible in their approach to these issues.

The Division suggests that the hearing now scheduled for February 9, 2004, be converted to a telephonic prehearing conference. That request is granted. The Division also requests permission to file a motion for summary disposition. Although

such a motion is premature until the completion of inspection and copying, the Division's request can be discussed at the prehearing conference. The Division will be responsible for initiating the conference call, obtaining a court reporter, and making the necessary arrangements with the Bureau of Prisons.

Becker's pleading of January 10, 2004, ends with the statement that he would welcome the possibility of a settlement with the Division. If the Division intends to respond to that overture, it should do so promptly.

IT IS ORDERED THAT a telephonic prehearing conference will be held on Monday, February 9, 2004, at 11:15 a.m. Eastern time. The hearing previously scheduled for that date is postponed to a date to be determined at the prehearing conference.



James T. Kelly
Administrative Law Judge