

ADMINISTRATIVE PROCEEDING
FILE NO. 3-12429

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
January 3, 2007

In the Matter of :
:
SCOTT G. MONSON : ORDER ON MOTION
:
:
:

The Securities and Exchange Commission (Commission) initiated this proceeding with its Order Instituting Cease-and-Desist Proceedings (OIP) on September 25, 2006. Respondent Scott G. Monson (Monson) filed his Answer with the Office of the Secretary on October 24, 2006. The hearing is currently set to commence on Tuesday, January 23, 2007, in Los Angeles, California. On December 15, 2006, I issued an order denying the Division of Enforcement's (Division) request for leave to file a motion for summary disposition.

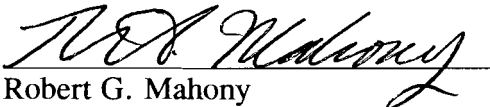
On December 22, 2006, the Division filed a Request for Official Notice and Clarification or Reconsideration (Request), in which it requested that the undersigned take official notice, pursuant to Rule 323 of the Commission's Rules of Practice, of the Minute Order of the United States District Court for Central District of California in SEC v. JB Oxford Holdings, Inc., Case No. CV 04-7084 (C.D. Cal. Aug. 24, 2005). The Division also requests that the undersigned reconsider the ruling denying leave to file a motion for summary disposition; or, clarify the scope of the ruling in the December 15 Order. Specifically, the Division wishes to clarify if it will be required to provide evidence at the hearing that JP Oxford Holdings, Inc., late traded. On December 29, 2006, Respondent Monson (Monson) filed his Response to the Request. In his Response, Monson opposed reconsideration of the December 15 Order, but did not object to taking official notice of the Minute Order.

Rule 323 of the Commission's Rules of Practice allows official notice "of any material fact which might be judicially noticed by a district court of the United States, any matter in the public records of the Commission, or any matter which is peculiarly within the knowledge of the Commission as an expert body." 17 C.F.R. § 201.323. A district court may take judicial notice of an adjudicative fact that is both "not subject to reasonable dispute" and "capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b).

There is no dispute that, on August 24, 2005, the United States District Court for Central District of California issued a Minute Order, which granted partial summary judgment to the Commission, in SEC v. JB Oxford Holdings, Inc., Case No. CV 04-7084 (C.D. Cal.). The Minute Order is capable of accurate and ready determination by resort to judicial sources whose accuracy cannot be reasonably questioned, and thus, is appropriate for official notice. The undersigned is merely taking official notice of the existence of the Minute Order, the issues litigated, and the district court's ruling therein. It would be improper to rely on the Minute Order to determine disputed factual issues in the case at hand. By taking official notice of the Minute Order, the undersigned in no way intends to make any determination as to the truth of any of the facts alleged or otherwise asserted in the Minute Order itself. Thus, taking official notice of the Minute Order does not relieve the Division of providing evidence to prove the allegations contained in the OIP.

Accordingly, pursuant to Rule 323 of the Commission's Rules of Practice, I GRANT the Division's request to take official notice of the Minute Order issued by the United States District Court for Central District of California in SEC v. JB Oxford Holdings, Inc., Case No. CV 04-7084 (C.D. Cal. Aug. 24, 2005), which finds that NCC violated Rule 22c-1 of the Investment Company Act of 1940. I DENY the Division's request to reconsider the denial of leave to file a motion for summary disposition.

SO ORDERED.


Robert G. Mahony
Administrative Law Judge