

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

In the Matters of	:
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	:
Bear Wagner Specialists LLC	:
Admin. Proc. File No. 3-11445	:
Fleet Specialist, Inc.	:
Admin. Proc. File No. 3-11446	:
LaBranche & Co. LLC	:
Admin. Proc. File No. 3-11447	:
Spear, Leeds & Kellogg Specialists LLC	:
Admin. Proc. File No. 3-11448	:
Van der Moolen Specialists USA, LLC	:
Admin. Proc. File No. 3-11449	:
Performance Specialist Group LLC	:
Admin. Proc. File No. 3-11558	:
SIG Specialists, Inc.	:
Admin. Proc. File No. 3-11559	:
	:
Respondents.	:

Commissioner PAREDES, dissenting:

I respectfully dissent from the Commission's order directing the remaining funds in this matter to be paid to the U.S. Treasury.

I do not believe it is appropriate at this time to return the total amount remaining in the fair fund to the U.S. Treasury. Because of the large sum of funds remaining in the fair fund, as well as other considerations, additional efforts should be made to distribute remaining funds to injured investors. For example, additional efforts should be made to locate certain investors whose checks were returned as undeliverable and certain checks that investors did not cash should be reissued to injured investors.