

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

Securities Act of 1933
Release No. 8979 / October 15, 2008

Securities Exchange Act of 1934
Release No. 58791 / October 15, 2008

Administrative Proceeding
File Number 3-11893

In the Matter of	:	ORDER DISMISSING
	:	ADMINISTRATIVE AND CEASE-AND-
	:	DESIST PROCEEDINGS INSTITUTED
	:	PURSUANT TO SECTION 8A OF THE
David A. Finnerty,	:	SECURITIES ACT OF 1933 AND SECTIONS
Donald R. Foley II,	:	15(b), 21C AND 11(b) OF THE SECURITIES
Scott G. Hunt,	:	EXCHANGE ACT OF 1934 AND RULE 11b-1
Thomas J. Murphy, Jr.,	:	THEREUNDER AS TO PATRICK E. MURPHY
Kevin M. Fee,	:	
Frank A. Delaney IV,	:	
Freddy DeBoer,	:	
Todd J. Christie,	:	
James V. Parolisi,	:	
Robert W. Luckow,	:	
Patrick E. Murphy,	:	
Robert A. Johnson, Jr.,	:	
Patrick J. McGagh, Jr.,	:	
Joseph Bongiorno,	:	
Michael J. Hayward,	:	
Richard P. Volpe,	:	
Michael F. Stern,	:	
Warren E. Turk,	:	
Gerard T. Hayes, and	:	
Robert A. Scavone, Jr.	:	
	:	
Respondents.	:	
	:	

I.

The Securities and Exchange Commission (“Commission”) deems it appropriate and in the public interest to enter an order dismissing these previously instituted public administrative and cease-and-desist proceedings brought pursuant to Section 8A of the Securities Act of 1933 (“Securities Act”) and Sections 15(b), 21C and 11(b) of the Securities Exchange Act of 1934 (“Exchange Act”) and Rule 11b-1 thereunder against Respondent Patrick E. Murphy (“Murphy”).

II.

Murphy has submitted an Offer of Settlement (“Offer”) which the Commission has determined to accept. Solely for the purpose of these proceedings and any other proceedings brought by or on behalf of the Commission, or to which the Commission is a party, and without admitting or denying the findings herein, except as to the Commission’s jurisdiction over him and the subject matter of these proceedings, which are admitted, Murphy consents to the entry of this Order Dismissing Administrative and Cease-and-Desist Proceedings Instituted Pursuant to Section 8A of the Securities Act of 1933 and Sections 15(b), 21C and 11(b) of the Securities Exchange Act of 1934 And Rule 11b-1 Thereunder as to Patrick E. Murphy, as set forth below.

III.

On the basis of this Order and Murphy’s Offer, the Commission finds¹ that:

Respondent

1. Murphy is a resident of Monmouth Beach, New Jersey. Murphy acted as a specialist at Spear Leeds & Kellogg L.P. from at least January 2000 to approximately March 2003.

Background

2. On April 12, 2005, the Commission issued an Order Instituting Administrative and Cease-and-Desist Proceedings Pursuant to Section 8A of the Securities Act of 1933, and Sections 15(b)(6), 21C and 11(b) of the Securities Exchange Act of 1934 and Rule 11b-1 thereunder (“OIP”) against Murphy and other Respondents. Since the institution of the OIP, the administrative record developed during these proceedings makes it appropriate for the OIP to be dismissed as to Murphy.

¹ The findings herein are made pursuant to Murphy’s Offer of Settlement and are not binding on any other person or entity in this or any other proceeding.

IV.

In view of the foregoing, the Commission deems it appropriate and in the public interest to dismiss the OIP as to Murphy.

Accordingly, it is hereby ORDERED:

That the Order Instituting Public Administrative and Cease-and-Desist Proceedings Pursuant to Section 8A of the Securities Act of 1933 and Sections 15(b), 21C and 11(b) of the Securities Exchange Act of 1934 and Rule 11b-1 Thereunder issued against Murphy on April 12, 2005 is hereby DISMISSED.

By the Commission.

Florence E. Harmon
Acting Secretary