

ADMINISTRATIVE PROCEEDING
FILE NO. 3-11626

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
May 1, 2006

In the Matter of	:	
	:	ORDER DISMISSING PROCEEDING
MARK N. DOHLEN,	:	WITHOUT PREJUDICE AS TO
PAUL A. GILES, and	:	ALFRED PEEPER
ALFRED PEEPER	:	
	:	
	:	

The Securities and Exchange Commission (Commission) issued its Order Instituting Proceedings (OIP) on September 1, 2004, under the caption John A. Carley, et al. Eleven individuals and entities were named as Respondents. The Commission served the OIP on eight of the eleven Respondents, and I have resolved the charges as to those eight Respondents.¹

The Commission granted the motion of the Division of Enforcement (Division) to sever the charges against Respondents Mark N. Dohlen (Dohlen), Paul A. Giles (Giles), and Alfred Peeper (Peeper), who had not been served with the OIP. John A. Carley, 84 SEC Docket 2317 (Jan. 3, 2005). In its Order, the Commission also denied the Division's request for a stay of the proceedings as to Dohlen, Giles, and Peeper.

By Order dated August 18, 2005, I directed the Division to show cause why this proceeding should not be dismissed without prejudice as to Dohlen, Giles, and Peeper in accordance with Richard Cannistraro, 53 S.E.C. 388 (1998). The Division responded to that Order on September 1, 2005. It elaborated on its written response at telephonic prehearing conferences on September 7, November 4, and December 12, 2005, and January 18 and March 16, 2006.

By Order dated February 22, 2006, I dismissed the proceeding without prejudice as to Dohlen and Giles. The Division has now filed a motion to dismiss the proceeding without

¹ One Respondent, Le Fond Mondial D'Investissement S.A., failed to file an Answer to the OIP and I issued a default order as to it. John A. Carley, 84 SEC Docket 648 (Nov. 23, 2004). After holding a public hearing, I issued an Initial Decision as to the other seven Respondents. John A. Carley, 85 SEC Docket 4031 (July 18, 2005). Five of those seven Respondents filed petitions for review, which the Commission granted. The Commission issued a notice of finality as to the two Respondents who did not file petitions for review. Roy E. Gould, 86 SEC Docket 94 (Aug. 18, 2005).

prejudice as to Peeper. It has been approximately twenty months since the Commission issued the OIP. There is little likelihood that service can be effectuated on Peeper in the foreseeable future.²

IT IS ORDERED THAT the proceeding is dismissed without prejudice as to Alfred Peeper. If the Division alleges that this Order contains a manifest factual error, it may file a petition for correction within ten days after service of this Order. Cf. Rule 111(h) of the Commission's Rules of Practice. If the Division elects to appeal this Order to the Commission, it must do so within twenty-one days after service of the Order. Cf. Rule 360 of the Commission's Rules of Practice.



James T. Kelly
Administrative Law Judge

² The OIP identifies Peeper as a resident of Spain and a citizen of the Netherlands. In Paragraph IV of the OIP, the Commission directed that the OIP be served "forthwith upon Respondents personally or by certified mail."