

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
March 8, 2006

In the Matter of	:	ORDER RETURNING
	:	DOCUMENTS TO THE DIVISION
GREGORY M. DEARLOVE, CPA	:	OF ENFORCEMENT FOR
	:	CORRECTION
	:	
	:	
	:	

Yesterday, this Office received a packet of documents from the Division of Enforcement (Division), ostensibly in response to my Order of February 27, 2006. The Office of the Secretary did not receive a similar packet of documents, as required by Rule 151(b) of the Rules of Practice of the Securities and Exchange Commission (Commission). Because of the concerns expressed below, this packet of documents is not suitable for filing in the official docket in its present format. Accordingly, I am returning the entire packet to the Division, with instructions to correct the defects. The Division shall then file corrected documents with the Office of the Secretary no later than March 10, 2006.

The principal document submitted by the Division is a five-page report bearing the caption "Joint Resolution of Discrepancies in Proposed Exhibit List." The report is undated and unsigned. As a result, the reader has no idea who is attesting to the veracity of the representations made in the report. See Rules 152(b) and 153(b) of the Commission's Rules of Practice. There is no certificate of service and the cover letter is not an acceptable substitute. See Rule 151(d) of the Commission's Rules of Practice.

The Division also submitted a nineteen-page document bearing the caption "Revised Joint Exhibit List." This document represents a significant improvement over its predecessor, and I will use it as a starting point for preparing an index of exhibits pursuant to Rule 351(b) of the Commission's Rules of Practice. It is not clear why the Division also lodged multiple copies of the (inaccurate and now superseded) predecessor document, which is already part of the official docket.

Finally, the Division submitted two large documents that it identifies in a cover letter as "replacement copies" of admitted Division Exhibits 16 and 53. The apparent purpose of these documents is to substitute for the admitted exhibits, each of which is missing pages. However, the Rules of Practice do not contemplate that an Administrative Law Judge or the Office of the Secretary may physically remove admitted exhibits from the official docket. At the very least, the parties will need to file an appropriate motion or stipulation. See Rules 154(a) and 324 of the Commission's Rules of Practice. If the parties intend to stipulate that these "substitute copies"

may be cited in the post-hearing pleadings and the Initial Decision (in lieu of citing admitted Division Exhibits 16 and 53), they should file an appropriate motion or stipulation to that effect. The parties should understand that such a stipulation will not result in the physical removal of admitted Division Exhibits 16 and 53 from the official docket.

SO ORDERED.



James T. Kelly
Administrative Law Judge