

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Rel. No. 62630 / August 3, 2010

INVESTMENT ADVISERS ACT OF 1940
Rel. No. 3063 / August 3, 2010

Admin. Proc. File No. 3-13655

In the Matter of

THEODORE W. URBAN
c/o John H. Sturc, Esq.
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, NW
Washington, D.C. 20036

ORDER GRANTING
EXTENSION

The Chief Administrative Law Judge, who is presiding over this proceeding, has moved, pursuant to Commission Rule of Practice 360(a)(3),¹ for an extension of time to issue her initial decision. For the reasons set forth below, we have determined to grant the law judge's motion.

On October 19, 2009, we issued an Order Instituting Proceedings ("OIP") against Theodore W. Urban, formerly the General Counsel, the compliance department supervisor, and a director of Ferris Baker Watts, Inc. ("Firm"), a broker-dealer and investment adviser registered with the Commission. The OIP alleged that Urban failed reasonably to supervise a Firm registered representative with a view to detecting the representative's violations of Section 17(a) of the Securities Act of 1933, Section 10(b) of the Securities Exchange Act of 1934, and Exchange Act Rule 10b-5.

The OIP directed the presiding law judge to hold a public hearing to take evidence regarding the allegations and the appropriate sanctions. The OIP further specified that, pursuant to Commission Rule of Practice 360(a)(2),² the presiding law judge should issue an initial decision in this proceeding no later than 300 days from the date of service of the OIP. The initial decision is due on August 17, 2010. On July 14, 2010, the Chief Administrative Law Judge filed

¹ 17 C.F.R. § 201.360(a)(3).

² 17 C.F.R. § 201.360(a)(2).

a motion pursuant to Commission Rule of Practice 360(a)(3)³ requesting an extension of time of thirty days to issue such decision.

II.

We adopted Rules of Practice 360(a)(2) and 360(a)(3) as part of an effort to enhance the timely and efficient adjudication and disposition of Commission administrative proceedings.⁴ At that time, we determined that the adoption of mandatory deadlines for completion of administrative hearings would enhance timely completion of the adjudication process. In adopting those guidelines, however, we recognized that a "'one size fits all' approach to timely disposition is not feasible."⁵ We therefore established three different deadlines – 120, 210, or 300 days – depending on "the nature, complexity, and urgency of the subject matter, and with due regard for the public interest and the protection of investors."⁶

We further provided for the granting of extensions to those deadlines under certain circumstances. If, during the proceeding, the presiding law judge decides that the proceeding cannot be concluded in the time specified in the OIP, Rule 360(a)(3) provides that the law judge may request an extension of the stated deadline. To obtain an extension, the law judge should consult with the Chief Administrative Law Judge.⁷ "Following such consultation, the Chief Administrative Law Judge may determine, in his or her discretion, to submit a motion to the Commission requesting an extension."⁸ The motion should "explain [] why circumstances require an extension and specify [] the length of the extension."⁹ While we intend to grant extensions sparingly, we may authorize an extension on the basis of the Chief Administrative Law Judge's motion, if we determine that "additional time is necessary or appropriate in the public interest."¹⁰ We note, however, that a heavy docket alone will not ordinarily be cause for an extension.

³ 17 C.F.R. § 201.360(a)(3).

⁴ *See Adopting Release*, Securities Act Rel. No. 8240 (June 11, 2003), 80 SEC Docket 1463.

⁵ *Id.*

⁶ 17 C.F.R. § 201.360(a)(2).

⁷ The law judge presiding in this proceeding also serves as the Chief Administrative Law Judge.

⁸ 17 C.F.R. § 201.360(a)(3).

⁹ *See Adopting Release* at 1463.

¹⁰ 17 C.F.R. § 201.360(a)(3).

The Chief Administrative Law Judge supports her extension request by stating that the initial decision cannot be issued within the specified time "because of the size of the record and the complexity of the issues." The law judge states that she "held thirteen days of hearing in March 2010" and that the "record consists of 3,000 pages of transcript, over 250 exhibits, and some expert testimony." In light of the complexity of the case and the reasonableness of the requested extension, we believe that it is appropriate in the public interest to extend the deadline for filing the initial decision by thirty days.

Accordingly, IT IS ORDERED that the deadline for filing the initial decision in this matter be, and it hereby is, extended until September 16, 2010.

By the Commission.

Elizabeth M. Murphy
Secretary