

UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 3239/October 19, 2015

ADMINISTRATIVE PROCEEDING  
File Nos. 3-16433

In the Matters of

ALBERT J. SCIPIONE

MOTION TO THE COMMISSION FOR  
EXTENSION

Rule of Practice 360(a)(3) provides that the Chief Administrative Law Judge may submit to the Commission, at least thirty days in advance of the due date, a motion requesting an extension of the time period for filing an Initial Decision where she determines that it will not be possible to issue the Initial Decision in the time specified. 17 C.F.R. § 201.360(a)(3).

The Commission instituted this proceeding on March 12, 2015. On June 5, 2015, the Division of Enforcement filed an amended motion for default and summary disposition. On June 30, 2015, I denied the Division's motion, finding that it failed to establish certain elements required in order to impose an industry and penny stock bar. *Albert J. Scipione*, Admin. Proc. Rulings Release No. 2883, 2015 SEC LEXIS 2687. On August 24, 2015, I stayed the proceedings based on the parties' agreement in principle to a settlement resolving the proceeding on all major terms. *Albert J. Scipione*, Admin. Proc. Rulings Release No. 3062, 2015 SEC LEXIS 3461. On October 13, 2015, I lifted the stay at the Division's request, which cited Respondent's apparent failure to sign the offer of settlement. I granted the Division leave to file a renewed motion for summary disposition and set a briefing schedule. The final brief is due on November 17, 2015, eight days before the Initial Decision is due.

Accordingly, I request a four-month extension of the Initial Decision due date to March 25, 2016. The length of the extension is necessary because should the Division's renewed motion for summary disposition again fail to establish the elements necessary for the sanctions it seeks, this matter will have to proceed to a hearing.

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Brenda P. Murray  
Chief Administrative Law Judge