

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 4429/December 9, 2016

ADMINISTRATIVE PROCEEDING
File No. 3-17651

In the Matter of

ADRIAN D. BEAMISH, CPA

ORDER ON JOINT REQUEST FOR
EXTENSION OF TIME

After a prehearing conference in this matter, I set a briefing schedule concerning Respondent's contemplated motion for a ruling on the pleadings under 17 C.F.R. § 201.250(a). Following the filing of Respondent's Rule 250(a) motion, the parties filed a stipulation and joint request seeking an extension of this briefing schedule such that the Division's opposition would be due December 16, 2016, and Respondent's reply due December 23, 2016.

For good cause shown under 17 C.F.R. § 201.161, the joint request for extension of the briefing deadlines is GRANTED. The Division's opposition is due December 16, 2016, and Respondent's reply is due December 23, 2016. I note that 17 C.F.R. § 201.250(a) calls for the hearing officer to "promptly" grant or deny the motion. With this briefing extension, however, the parties are informed that a decision on Respondent's motion will not be resolved before the first week of January 2017, in light of the holidays. Also, given that Respondent has attached evidence to his motion which appears to be outside of the order instituting proceedings, the parties should address in their briefing whether and to what extent standards of Federal Rule of Civil Procedure 12, in particular Rule 12(d), should be considered in construing Respondent's motion.

The parties also request in their joint filing that the 5:30 p.m. Eastern time for all future filings with the Commission be extended to 5:30 p.m. Pacific time, given that counsel for both parties are located in San Francisco, California. This request is DENIED, as I lack the authority to alter the Commission's business hours or general filing requirements, and do not interpret my authority under 17 C.F.R. § 201.161 to enable granting a blanket exemption from those requirements because of a three-hour time zone difference. *See* 17 C.F.R. §§ 201.104, .151(a). However, the parties are informed that I am cognizant of the difficulties posed by the time zone difference, and that I will be consistently lenient in construing deadlines where electronic courtesy copies of filings are emailed to my office on the same calendar day as the deadline.

Cameron Elliot
Administrative Law Judge