

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 923 / September 27, 2013

ADMINISTRATIVE PROCEEDING
File No. 3-15455

In the Matter of

EXMOCARE, INC. (n/k/a SECOND
SOLAR, INC.),
FIRST TRANSACTION
MANAGEMENT, INC.,
JETPADS, INC.,
PEPPERBALL TECHNOLOGIES, INC.,
PURE PLAY MUSIC, LTD.,
RIM SEMICONDUCTOR CO.,
SMALL BUSINESS CO., INC.,
STARVOX COMMUNICATIONS, INC.,
STEAKHOUSE PARTNERS, INC., and
SUTURA, INC.

ORDER POSTPONING HEARING AND
SCHEDULING PREHEARING
CONFERENCE AND RULING ON
MOTION

The Securities and Exchange Commission (Commission) issued an Order Instituting Administrative Proceedings (OIP) on September 10, 2013, alleging that Respondents have securities registered with the Commission pursuant to Section 12(g) of the Securities Exchange Act of 1934 (Exchange Act), and have not filed reports required by Exchange Act Section 13(a) and Exchange Act Rules 13a-1 and/or 13a-13. Respondents are required to answer within ten days after service of the OIP. See OIP at 4; 17 C.F.R. § 201.220. On September 23, 2013, the Division of Enforcement (Division) filed the Corrected Declaration of Neil J. Welch, Jr. to Assist Secretary With Record of Service, which shows all Respondents were served with the OIP by September 13, 2013. See 17 C.F.R. § 201.141(a)(2)(ii). As of today, no Respondent has filed an Answer.

On September 19, 2013, Cynthia Conroy-Smith Trustee (Trustee), filed an Application for Leave to File Amicus Curiae Brief on Behalf of Small Business Co., Inc., Derivatively on Behalf of the Hershel Smith Trust by and through the Trustee (Amicus Brief), with an exhibit consisting of four attachments. The Amicus Brief asserts that the Trustee, who controls 30 million shares of Small Business Co., Inc. (Small Business), initiated a lawsuit against Small Business's directors in Conroy-Smith v. Person, No. 2013-ca-001392 (Fla. 7th Cir. Aug. 31,

2013). The Trustee also filed a Motion for Enlargement of Time to File Periodic Reports (Motion) with the Amicus Brief.

On September 23, 2013, the Division filed an Opposition to the Motion and for leave to file Amicus Brief (Opposition). The Division argues in the Opposition that: (1) it has no objection to the Trustee stating her views pursuant to Commission Rule of Practice 210(e); (2) Commission Rule of Practice 210(a)(1) provides “No person shall be granted leave to become a party or a non-party participant on a limited basis in an enforcement or disciplinary proceeding . . .”; and (3) there is no basis or precedent for an Administrative Law Judge to extend the time for the filing of reports required by the statute and regulations.

Order

My review convinces me that the Commission’s Rules of Practice do not allow persons to become a party or a non-party participant in this enforcement proceeding. I know of no authority for an Administrative Law Judge to extend the time for filing periodic reports, required by Section 13(a) of the Exchange Act and Exchange Act Rules 13a-1 and/or 13a-13. The OIP is against corporate entities for allegedly failing to observe a well-known and significant statutory provision and rules thereunder. The allegations are either true or false. The case law is emphatic that the periodic reports of companies with registered securities contain important information for investors. See SEC v. Beisinger Indus. Corp., 552 F.2d 15, 18 (1st Cir. 1977).

I DENY the Application for Leave to File the Amicus Brief and the Motion for an Enlargement of Time to File Periodic Reports. I POSTPONE the hearing scheduled to begin on October 3, 2013, and ORDER a telephonic prehearing conference on October 8, 2013, at 3:00 p.m. EDT. I will default any Respondent that does not file an Answer, appear at the prehearing conference, or otherwise defend the proceeding. See 17 C.F.R. §§ 201.155(a), .220(f), .221(f). The Trustee is invited to attend the prehearing conference.

Brenda P. Murray
Chief Administrative Law Judge