

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 962/October 16, 2013

ADMINISTRATIVE PROCEEDING
File No. 3-15527

In the Matter of	:	ORDER GRANTING JOINT
	:	MOTION AND ORDERING DIVISION
ALAN FERRARO	:	TO FILE SUPPLEMENTAL
	:	MATERIALS

The Securities and Exchange Commission issued an Order Instituting Administrative Proceedings (OIP), pursuant to Section 15(b) of the Securities Exchange Act of 1934 (Exchange Act), on September 26, 2013. The OIP alleges that Respondent Alan Ferraro pled guilty to one count of grand larceny in the third degree in violation of New York Penal Law Section 155.35 in People v. Joseph Stevens & Co., Case No. 02394-2009 (N.Y. Ct. App. June 22, 2012). A hearing is currently scheduled for October 29, 2013.

On October 15, 2013, this Office received a Joint Motion and Brief in Support of an Order Making Findings and Imposing Sanctions by Consent, and for Cancellation of Hearing and Prehearing Teleconference (Joint Motion). In the Joint Motion, the parties request that the currently scheduled hearing be canceled, and that an order be issued finding Respondent violated Section 15(b) of the Exchange Act and imposing on him a full direct and collateral associational bar and penny stock bar. Joint Motion, pp. 1, 3. The Joint Motion also contains a statement of undisputed facts, which are substantively identical to the facts recited in the OIP. Id., pp. 2-3.

I will GRANT the Joint Motion. I commend the parties for their ability to agree on this proceeding's outcome. Nonetheless, I must issue an Initial Decision, and the Joint Motion does not, by itself, include evidence sufficient to support a decision. See 17 C.F.R. § 201.360. Additionally, even assuming I have the authority to take official notice of the various filings in the New York state-court proceedings, I lack ready access to them. See 17 C.F.R. § 201.323. Accordingly, no later than Friday, December 6, 2013, the Division of Enforcement (Division) shall file a supplement to the Joint Motion, which shall include sufficient evidence to support the agreed-upon sanction, consistent with Rapoport v. SEC, 682 F.3d 98 (D.C. Cir. 2012). The Division need not file a brief, just the pertinent state-court documents.

I FURTHER ORDER that the hearing scheduled for October 29, 2013, is POSTPONED sine die.

Cameron Elliot
Administrative Law Judge