

ALJ

ADMINISTRATIVE PROCEEDING  
FILE NO. 3-11583

UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION  
December 15, 2004

SECURITIES & EXCHANGE COMMISSION  
MAILED FOR SERVICE  
DEC 16 2004  
CTFD. NO.

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In the Matter of	:	
	:	
	:	
JOSEPH W. ISAAC	:	ORDER DISMISSING PROCEEDING
	:	WITHOUT PREJUDICE
	:	

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The Securities and Exchange Commission (Commission) issued its Order Instituting Proceedings (OIP) on August 11, 2004. Paragraph IV of the OIP required service upon Respondent "personally or by certified mail."


The Office of the Secretary has been unable to serve the OIP upon Respondent by certified mail. The Division of Enforcement (Division) retained process servers to effectuate personal service of the OIP upon Respondent. To date, these process servers have not been successful, either.

By Order dated November 4, 2004, I required the Division to show cause, not later than December 13, 2004, why I should not dismiss this proceeding without prejudice. See Richard Cannistraro, 53 S.E.C. 388 (1998). In response to that Order, the Division has now submitted a status report detailing its efforts to serve Respondent. Nothing in the Division's status report changes the fact that Respondent has not yet been served "personally or by certified mail."

It has now been more than four months since the Commission issued the OIP. Despite diligent efforts, the Office of the Secretary and the Division have been unable to effectuate service of the OIP upon Respondent in the manner that the Commission required. The Division's status report does not suggest that there is any prospect of service in the foreseeable future.

IT IS ORDERED THAT the proceeding is dismissed without prejudice as to Joseph W. Isaac. Consistent with Cannistraro, and by analogy to Rule 410 of the Commission's Rules of

Practice, the Division of Enforcement may seek Commission review of this Order within twenty-one days after service.

  
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James T. Kelly  
Administrative Law Judge