

ADMINISTRATIVE PROCEEDING
FILE NO. 3-13156

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
September 30, 2008

In the Matter of :
: ORDER FOLLOWING PREHEARING
DARYL ANDERSON : CONFERENCE
:
:
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The Securities and Exchange Commission instituted this proceeding, pursuant to Section 15(b) of the Securities Exchange Act of 1934, on September 2, 2008, and ordered issuance of an Initial Decision within 120 days from service of the Order Instituting Proceedings (OIP). Respondent Daryl Anderson (Anderson) acknowledged service of the OIP on September 19, 2008, thus the due date for the Initial Decision is January 21, 2009.

At a telephonic prehearing conference on September 29, 2008, the Division of Enforcement (Division) requested leave to file a Motion for Summary Disposition. See 17 C.F.R. § 201.250. Anderson, through counsel, does not dispute the allegation in the OIP that he was permanently enjoined by consent from future violations of Sections 5(a) and 5(c) of the Securities Act of 1933 in SEC v. CMKM Diamonds, Inc., Civ. No. 02:08-cv-00437-LRH-RJJ (D. Nev. Aug. 8, 2008). Anderson argues, however, that, at a maximum, any bar against association with a broker or dealer should include the right to reapply. The Division will not agree to Anderson's request.

After some discussion, I denied the Division's request to file a Motion for Summary Disposition and will order a procedural schedule that will include a hearing in Los Angeles, California, to provide Anderson an opportunity to show that it is in the public interest to order a sanction less onerous than what the Division recommends.

ORDER

I DENY the Division leave to file a Motion for Summary Disposition. I ORDER the following procedural schedule:

October 14, 2008	List of Division's witnesses and exhibits to Anderson;
October 21, 2008	List of Anderson's witnesses and exhibits to the Division;

October 27, 2008

Hearing at a courthouse in Los Angeles, California,
beginning at 9:30 a.m. PST.

Brenda P. Murray
Chief Administrative Law Judge