

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

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 3835/May 11, 2016

ADMINISTRATIVE PROCEEDING  
File No. 3-16801

In the Matter of

BENNETT GROUP FINANCIAL SERVICES, LLC, and  
DAWN J. BENNETT

ORDER GRANTING IN PART  
JOINT MOTION TO CORRECT  
RECORD INDEX

On April 15, 2016, the Commission's Office of the Secretary (OS) issued the record index for this proceeding under Rule of Practice 351(b), 17 C.F.R. § 201.351(b). On April 29, 2016, the parties filed a joint motion to amend and correct the record index, stipulating to a series of corrections that, for the most part, deal with duplicate entries and filing dates. I GRANT the parties' following requests and ORDER OS to issue a revised record index reflecting the following corrections:

- Delete the duplicate October 13, 2015, entry for the motion to continue prehearing conference.
- Delete the duplicate January 20, 2016, entry for the Division of Enforcement's motion for issuance of subpoena.
- Delete the duplicate January 20, 2016, entry for the Division's witness list.
- Add Respondents' counsel's January 4, 2016, letter, originally emailed to my office, to the record index.
- Revise the entry for the notice of withdrawal of attorneys F. Whitten Peters, Simon Latcovich, and Jessica L. Pahl, of Williams & Connolly LLP, as counsel for Respondents from October 13 to October 5, 2015.

I DENY the parties' remaining requests. For those requests, the dates listed on the record index represent the date the filing was received by OS under Rule of Practice 151, 17 C.F.R. § 201.151. Rule 151 allows parties to file by facsimile but requires them to do so "within the time limit set for such filing."<sup>1</sup> 17 C.F.R. § 201.151(a). Rule of Practice 104 states that the

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<sup>1</sup> Rule 151(a) states that:

Papers required to be filed with the Commission must be received within the time limit, if any, for such filing. Filing with the Commission may be made by facsimile transmission if the party also contemporaneously transmits to the

Commission is open Monday through Friday, except Federal holidays, from 9:00 a.m. to 5:30 p.m. 17 C.F.R. § 201.104. Read together, these rules mean that if a party files by facsimile, the party must do so by 5:30 p.m., or risk the possibility that the submission will be considered as filed the next business day. Filings received by OS are date-stamped during the Commission's business hours the day they are received; filings received outside of the Commission's business hours are date-stamped on the next day the Commission is open.<sup>2</sup> The parties' following requests are therefore dated appropriately in the record index:

- Gregory Morvillo's notice of appearance was received by facsimile at 5:40 p.m. on October 21, 2015, and date-stamped that day.
- Eugene Ingoglia's notice of appearance was received by OS on October 26, 2015, and was date-stamped that day.
- Respondent's answer was received by facsimile at 5:43 p.m. on Friday, October 30, 2015, but was not date-stamped until the following Monday, November 2, 2015.
- The Division's witness list was received by OS on January 13, 2016, and was date-stamped that day.
- The Division's motion for issuance of subpoena (to James Hammond) was received by OS on January 13, 2016, and was date-stamped that day.
- The Division's opening post-hearing brief was received by facsimile at 7:08 p.m. on March 2, 2016, and was date-stamped the following day.
- The Division's declaration of Michael J. Rinaldi was received by facsimile at 7:14 p.m. on March 2, 2016, and was date-stamped the following day.
- The Division's March 2, 2016, letter regarding corrected Exhibit 360 was received by facsimile at 7:37 p.m., and was date-stamped the following day.

I also deny the parties' request to revise the language in the December 2, 2015, entry to add "Division's under-seal filing, dated 12/1/15, filed and received" because it is redundant. The previous entry, dated December 1, 2015, notes the Division's motion.

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James E. Grimes  
Administrative Law Judge

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Commission a non-facsimile original with a manual signature. However, any person filing with the Commission by facsimile transmission will be responsible for assuring that the Commission receives a complete and legible filing within the time limit set for such filing.

17 C.F.R. § 201.151(a).

<sup>2</sup> OS reports that facsimiles received closely after 5:30 p.m. may sometimes be date-stamped the day they are received.