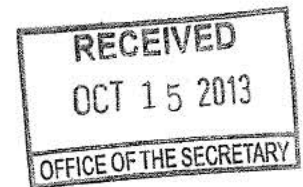


**UNITED STATES OF AMERICA**  
**Before the**  
**SECURITIES AND EXCHANGE COMMISSION**



**ADMINISTRATIVE PROCEEDING**  
**File No. 3-15527**

**In the Matter of**

**ALAN FERRARO,**

**Respondent.**

**JOINT MOTION AND BRIEF IN SUPPORT  
OF AN ORDER MAKING FINDINGS AND  
IMPOSING SANCTIONS BY CONSENT,  
AND FOR CANCELANATION OF HEARING  
AND PREHEARING TELECONFERENCE**

Respondent Alan Ferraro and the Division of Enforcement (“Division”) jointly move the Court to grant the following relief:

1. canceling the October 29, 2013 hearing and requested prehearing telephone conference; and
2. making findings and issuing an order pursuant to Section 15(b)(6) of the Securities Exchange Act of 1934 (“Exchange Act”) barring Respondent from association with any broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization; and barring him from participating in any offering of a penny stock, including: acting as a promoter, finder, consultant, agent or other person who engages in activities with a broker, dealer or issuer for purposes of the issuance or trading in any penny stock, or inducing or attempting to induce the purchase or sale of any penny stock.

In support of this joint motion, the parties submit the below brief.

## BRIEF IN SUPPORT OF JOINT MOTION

### I. Introduction

On September 26, 2013, the Commission issued and served an Order Instituting Proceedings (“OIP”) on Respondent pursuant to Exchange Act Section 15(b). On September 30, 2013, the Commission issued and served on Respondent an Order Scheduling Hearing and Designating Presiding Judge (“Order”). Respondent had not returned the Division’s attempts to communicate with him until he was served with the OIP and Order, at which time, he communicated with Division counsel on October 15, 2013.

Respondent and the Division are in agreement that under Exchange Act Section 15(b)(6), Respondent is subject to the statutory bars based on his criminal conviction in connection with the sale of securities while he was associated with a registered broker-dealer. To conserve judicial resources and those of Respondent, who seeks a swift conclusion of this matter, the parties jointly move the Court to enter an order making findings as set forth in the OIP<sup>1</sup> and instituting Section 15(b)(6)(A) bars on Respondent in lieu of the October 29, 2013 hearing and any requested prehearing teleconference.<sup>2</sup>

### II. Statement of Facts

From 1997 through 2006, Respondent was a registered representative associated with Joseph Stevens & Company, Inc., a broker-dealer then registered with the Commission. On May 20, 2009, Joseph Stevens & Company and sixteen individuals who were owners or employees of the firm (including Respondent) were charged in a 94-count indictment alleging enterprise

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<sup>1</sup> Respondent has informed the Division that he was not sentenced to probation as stated in the OIP and requests that a term of probation not appear in the findings.

<sup>2</sup> If the Court would like to hear from the parties in a prehearing telephone conference, however, we respectfully suggest a call initiated by the Division on October 22, 2013 at 10:00 a.m. (ET).

corruption, securities fraud and larceny. *People v. Joseph Stevens & Co., Inc., et al.*, 929 N.Y.S.2d 202, 203 (N.Y. App. Div. May 2, 2011). The charges arose from a firm-wide scheme to deceptively and fraudulently trade in small cap securities with the goal of generating and charging customers excessive and undisclosed commissions in connection with the purchase and sale of securities. *Id.* On June 22, 2012, Respondent pled guilty to one count of grand larceny in the third degree in violation of New York Penal Law Section 155.35. Respondent was sentenced on the same day to 70 hours of community service, and he was ordered to make restitution in the amount of \$201,572.

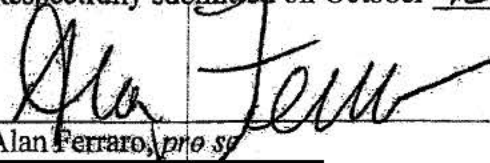
### **III. Conclusion**

Pursuant to authority granted in the Exchange Act Section 15(b), because Respondent was criminally convicted in connection with the sale of securities while associated with a registered broker-dealer, the parties jointly move this Court for an order barring Respondent:

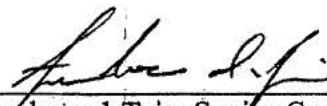
from association with any broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization; and barring him from participating in any offering of a penny stock, including: acting as a promoter, finder, consultant, agent or other person who engages in activities with a broker, dealer or issuer for purposes of the issuance or trading in any penny stock, or inducing or attempting to induce the purchase or sale of any penny stock.

Exchange Act §15(b)(6)(A).

Respectfully submitted on October 15, 2013 by:

  
Alan Ferraro, *pro se*



  
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**CERTIFICATE OF SERVICE**

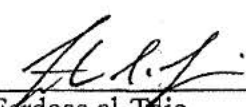
I certify that true copies of the forgoing motion and supporting brief were served as indicated:

By hand delivery and electronic mail:

The Honorable Cameron Elliot  
Administrative Law Judge  
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Washington, DC 20549-2557  
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By first class and electronic mail:

Alan Ferraro  


  
Ferdose al-Taie