

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 5544 / July 17, 2020

Admin. Proc. File No. 3-19685

In the Matter of

BARTON W. STUCK,

Respondent.

ORDER GRANTING AN EXTENSION OF TIME

On January 31, 2020, the Securities and Exchange Commission issued an order instituting proceedings (“OIP”) against Barton W. Stuck (“Respondent”) pursuant to Section 203(f) of the Investment Advisers Act of 1940.¹ Respondent was served with the OIP on March 24, 2020. On April 2, 2020, the Commission granted Respondent’s motion for an extension of time in which to file his answer to May 13, 2020.² Respondent subsequently requested another extension of time in which to file his answer to July 20, 2020, which the Commission granted on May 21, 2020.³ Respondent now seeks an addition 60-day extension. The Division of Enforcement has not filed a response.

By order of March 18, 2020, the Commission provided that, pending further order of the Commission, reasonable requests for extensions of time will not be disfavored as stated in Commission Rule of Practice 161.⁴ Respondent may accordingly obtain an extension of time by properly substantiating the need for such an extension, but Respondent has provided no such reason for an additional 60-day extension here. Respondent notes only, without further explanation, that the sentencing hearing in the criminal case underlying this administrative

¹ *Barton W. Stuck*, Investment Advisers Act Release No. 5439, 2020 WL 508866, at *1 (Jan. 31, 2020).

² *Barton W. Stuck*, Investment Advisers Act Release No. 5472, 2020 WL 1659873 (Apr. 2, 2020).

³ *Barton W. Stuck*, Investment Advisers Act Release No. 5507, 2020 WL 2613173 (May 21, 2020).

⁴ *Pending Administrative Proceedings*, Exchange Act Release No. 88415, 2020 WL 1322001, at *1 (Mar. 18, 2020).

proceeding has been rescheduled from July 16, 2020, until September 16, 2020.⁵ He does not say why this change justifies extending the time for him to file an answer in this proceeding or how this change affects his ability to do so.⁶ Nevertheless, we find under the circumstances that it is appropriate to grant Respondent a brief extension of time without prejudice to a further extension upon a showing that a further extension is reasonable. Therefore, it is ORDERED that the time for filing an answer to the OIP is extended to July 27, 2020.

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman
Secretary

⁵ See Order, *United States v. Stuck*, Case No. 3:18cr29 (D. Conn. July 2, 2020); see also Plea Agreement, *United States v. Stuck*, Case No. 3:18cr29 (D. Conn. Oct. 25, 2018).

⁶ See, e.g., *Delegation of Authority to the Secretary of the Comm'n*, Exchange Act Rel. No. 45848, 67 Fed. Reg. 30326, 30326 n.5 (May 6, 2002) (indicating that, in follow-on proceedings under the Advisers Act, “a criminal conviction ‘includes a verdict, judgment, or plea of guilty . . . whether or not sentence has been imposed’” (quoting 15 U.S.C. § 80b-2(a)(6)); see also *Eric S. Butler*, Exchange Act Release No. 65204, 2011 WL 3792730, at *5 (Aug. 26, 2011) (observing that “we have long held that follow-on proceedings based on a criminal conviction are not an appropriate forum to ‘revisit the factual basis for,’ or legal defenses to, [a] conviction.”).