

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 5553 / July 28, 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, to obtain funds to retain counsel, which the Commission granted on May 21, 2020.³ On July 17, 2020, the Commission partially granted Respondent’s third request for an extension of time, extended the time in which to file his answer to July 27, 2020, and explained that Respondent would have to show “that a further extension is reasonable” to obtain a longer extension.⁴

Respondent now requests a fourth extension to September 27, 2020. Respondent asserts that the sentencing hearing in the criminal case underlying this administrative proceeding has been rescheduled to September 16, 2020. He now requests that the Commission grant him a similar extension of time and suggests that doing so will allow him to retain counsel.

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 *Barton W. Stuck*, Investment Advisers Act Release No. 5544, 2020 WL 4038964 (July 17, 2020).

The Division of Enforcement opposes this fourth extension request. It notes that Stuck has already been granted lengthy extensions. The Division also states that a postponement of Stuck's sentencing in the criminal case does not warrant delaying this administrative proceeding.

Although we agree that the timing of Respondent's criminal sentencing does not alter his obligation to timely answer the OIP in this case,⁵ we nevertheless grant Respondent additional time to answer the OIP on the basis that he suggests doing so will allow him to retain counsel.⁶ But, as this is Respondent's fourth request for an extension of time, any future requests for an extension will be disfavored, notwithstanding the Commission's March 18 order. Therefore, it is ORDERED that the time for filing an answer to the OIP is extended to September 28, 2020.⁷

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

Vanessa A. Countryman
Secretary

⁵ See *Stuck*, 2020 WL 4038964, at *1 & n.6.

⁶ 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. *Pending Administrative Proceedings*, Exchange Act Release No. 88415, 2020 WL 1322001, at *1 (Mar. 18, 2020).

⁷ Respondent requested an extension to September 27, 2020, which is a Sunday.