

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 5686 / February 17, 2021

Admin. Proc. File No. 3-19685

In the Matter of

BARTON W. STUCK

ORDER DENYING REQUEST FOR POSTPONEMENT OF PROCEEDINGS

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. Respondent was subsequently granted multiple extensions of time in which to answer the OIP, the last of which allowed Respondent until October 20, 2020 to file an answer, but warned him that further extension requests would not be entertained.² Instead of answering the OIP by that date, Respondent requested another extension of time. We denied that request and ordered him to show cause by November 9, 2020, why the Commission should not find him in default for failing to file an answer or otherwise defend the proceeding.³ Respondent failed to respond to the order to show cause, answer the OIP, or otherwise defend the proceeding.

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

² *See Barton W. Stuck*, Investment Advisers Act Release No. 5472, 2020 WL 1659873 (Apr. 2, 2020) (extending time to answer until May 13, 2020); *Barton W. Stuck*, Investment Advisers Act Release No. 5507, 2020 WL 2613173 (May 21, 2020) (extending time to answer until July 20, 2020); *Barton W. Stuck*, Investment Advisers Act Release No. 5544, 2020 WL 4038964 (July 17, 2020) (extending time to answer until July 27, 2020); *Barton W. Stuck*, Investment Advisers Act Release No. 5553, 2020 WL 4339273 (July 28, 2020) (extending time to answer until September 28, 2020); *Barton W. Stuck*, Investment Advisers Act Release No. 5608, 2020 WL 5912405 (Oct. 6, 2020) (denying request for an extension of time, but granting limited extension of time to answer until October 20, 2020).

³ *Barton W. Stuck*, Investment Advisers Act Release No. 5619, 2020 WL 6286293 (Oct. 26, 2020).

On January 12, 2021, the Commission advised the Division of Enforcement that it could file a motion for default and other relief.⁴ Respondent subsequently filed a request to postpone this proceeding on the ground that the sentencing hearing in his criminal proceeding was recently rescheduled until May 2021. Respondent provided no other basis for his request, and we have repeatedly advised him that “the timing of Respondent’s criminal sentencing does not alter his obligation to timely answer the OIP in this case.”⁵

The Division then filed a motion for summary disposition seeking to hold Stuck in default and bar him from the securities industry. Respondent subsequently filed another request for a postponement in which he raised vague, generalized health concerns. But nothing in that request provides a reason why he has not and cannot file an answer, respond to the Order to Show Cause, or otherwise participate at this stage of the proceedings.

Accordingly, IT IS ORDERED that Respondent’s motions for a postponement are denied. We further remind Respondent that his continued failure to respond to the OIP and the Order to Show Cause may result in him being deemed in default and the proceedings decided against him based on consideration of the record without a public hearing.⁶

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

Vanessa A. Countryman
Secretary

⁴ *Barton W. Stuck*, Investment Advisers Act Release No. 5667, 2021 WL 125057 (Jan. 12, 2021).

⁵ *Stuck*, 2020 WL 5912405, at *1 & n.4 (citing relevant authority).

⁶ Rules of Practice 155, 180; 17 C.F.R. § 201.155, .180; *Stuck*, 2020 WL 5912405, at *2.