

SECURITIES & EXCHANGE COMMISSION
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JAN 06 2003

ADMINISTRATIVE PROCEEDING
FILE NO. 3-10875

CIFD NO. 1st class only

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
January 3, 2003

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|---------------------|---|---------------|
| In the Matter of | : | ORDER DENYING |
| | : | POSTPONEMENT |
| MONICA LYNN COLEMAN | : | |
| | : | |

The Securities and Exchange Commission ("Commission") initiated this proceeding on August 29, 2002; the hearing is scheduled to begin on January 6, 2003, at 10:00 a.m. at the Baltimore Prerelease Unit for Women, 301 North Calverton Road, Baltimore, Maryland 21223. Respondent was recently released from this facility to home detention.

I expect that the Division of Enforcement ("Division") will be able to show at the hearing that Respondent pled guilty to charges of securities fraud and misappropriation of more than \$2.6 million of investor funds. See State of Maryland v. Monica Lynn Coleman, No. 100362045, Circuit Court for Baltimore City (April 16, 2002). If the Division can show that this allegation in the Order Instituting Proceedings is true, the only issue is whether it is in the public interest to sanction Respondent pursuant to Section 15(b) of the Securities Exchange Act of 1934 and Section 203(f) of the Investment Advisers Act of 1940. The Division has indicated that it will introduce no witnesses.


On January 3, 2003, Respondent's husband delivered a Motion to Stay and a Motion to Postpone Proceeding to my office.

Ruling

I reject Respondent's claims that the hearing takes away her right to settle, and that postponement or stay is appropriate because the United States Supreme Court has accepted for review her case against "the bankruptcy trustee, which impacts the criminal case." Respondent's past actions indicate a desire to delay resolution of the proceeding. Respondent filed a Motion To Stay Proceeding in December 2002, although she indicated a willingness to settle the proceeding in October 2002. The proceeding has been pending for over four months, yet Respondent waited until the Friday before the Monday hearing date to indicate that she wants to retain counsel. The letter from the Division dated December 20, 2002, indicated that it was waiting to

receive the original signed Offer of Settlement, and that it would need sixty days to prepare and submit documentation to the Commission.

For all these reasons, but primarily because the parties did not submit an Offer of Settlement to the Commission within a reasonable time, I DENY the Motion to Stay and the Motion to Postpone Proceeding. The hearing will take place as scheduled, and I will issue a decision as soon as possible.



Brenda P. Murray
Chief Administrative Law Judge