

ADMINISTRATIVE PROCEEDING
FILE NO. 3-12429

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
December 15, 2006

In the Matter of	:	
	:	ORDER DENYING REQUEST
SCOTT G. MONSON	:	TO FILE MOTION FOR
	:	SUMMARY DISPOSITION
	:	

The Securities and Exchange Commission (Commission) initiated this proceeding with its Order Instituting Proceedings (OIP) on September 25, 2006. Respondent Scott G. Monson (Monson) filed his Answer with the Office of the Secretary on October 24, 2006. The hearing is currently set to commence on Tuesday, January 23, 2007, in Los Angeles, California. At a prehearing conference held October 24, 2006, the Division of Enforcement (Division) requested leave to file a motion for summary disposition. At that time, leave to file was denied with the understanding that the Division could renew its request on or by December 11, 2006.

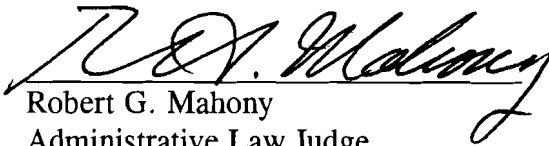
On December 11, 2006, the Division filed a Motion for Leave to File Summary Disposition and Motion for Summary Disposition (Motion), pursuant to Rule 250 of the Commission's Rules of Practice. Should summary disposition be granted, the Division requests that a cease-and-desist order be entered against Monson. In the alternative, the Division requests partial summary disposition on the allegation in the OIP that JP Oxford Holdings, Inc., violated Rule 22c-1 of the Investment Company Act of 1940. This Office received Monson's Opposition (Opposition) to the request for leave to file a motion for summary disposition on December 13, 2006, and the Division's Reply on December 14, 2006.

Rule 250(b) of the Commission's Rules of Practice, 17 C.F.R. § 201.250(b), provides that an administrative law judge may grant a motion for summary disposition if there is no genuine issue with regard to any material fact and if the party making the motion is entitled to summary disposition as a matter of law. The Revision Comment to Rule 250 states that "[w]here a genuine issue as to material facts clearly exists as to an issue, it would be inappropriate for a party to seek leave to file a motion for summary disposition or for a hearing officer to grant the motion." 59 SEC Docket 1546, 1575 (June 9, 1995). "[T]he circumstances when summary disposition prior to hearing could be appropriately sought or granted will be comparatively rare." *Id.* at 1576

In the current matter, there are material factual issues in dispute. The parties have a fundamental disagreement on the actions Monson took as well as what he knew or should have known. At a minimum, a hearing is required to determine Monson's state of mind and, if he is found liable, the need for remedial sanctions. While there can be no factual dispute as to the issues litigated and decided in the United States District Court for Central District of California in SEC v. JB Oxford Holdings, Inc., Case No. CV 04-7084 (C.D. Cal. 2005), I need not determine those issues through summary disposition. A more appropriate procedure is to take official notice of such matters, pursuant to Rule 323 of the Commission's Rules of Practice. 17 C.F.R. § 201.323.

Because there are genuine issues of material fact concerning the factual allegations of the OIP, the Division's request for leave to file a motion for summary disposition is DENIED, pursuant to 17 C.F.R. § 201.250.

SO ORDERED.


Robert G. Mahony
Administrative Law Judge