

IN THE MATTER OF
SIMEON MANAGEMENT CORPORATION, ET AL.

Docket 8996. Order, Oct. 7, 1975

Denial of request by individual respondent Darrel P. Simpson that initial decision be set aside as to him, but without prejudice to his filing a motion with supporting affidavit no later than Nov. 24, 1975.

Appearances

For the Commission: *Alfred Lindeman and Paul D. Hodge.*

For the respondents: *Marvin Gross, Grayson and Gross, Inc.,* Los Angeles, Calif. for Simeon Management Corporation, *pro se* for Medical Weight Loss, Inc., *Robert M. Aran* for Darrel P. Simpson, *David L. Cunningham,* Sausalito, Calif. for Bariatric Medical Clinics Management Corporation, *Leo Shaw,* San Diego, Calif. for Weight Reduction Medical Clinic and *Josef D. Cooper, Cooper and Scarpulla,* San Francisco, Calif. for C.M. Norcal, Inc., HCG Weight Clinics Foundation, Peter J. Marengo, III and Joseph Costa.

ORDER DENYING WITHOUT PREJUDICE REQUEST TO SET
ASIDE INITIAL DECISION AS TO ONE RESPONDENT

On Jan. 7, 1975, the administrative law judge filed an initial decision as to three respondents, J. William Byrd, Medical Weight Loss, Inc., and Darrel P. Simpson. The decision was predicated on their failure to answer the complaint. On Mar. 7, 1975, the Commission stayed the effective date of the initial decision as to the three respondents until further order of the Commission.¹

By letters to Charles A. Tobin dated Feb. 25, 1975, and Mar. 13, 1975, counsel for respondent Simpson asserted that Mr. Simpson had not been served with the complaint and that, at the time he was served

¹ The law judge filed an initial decision as to the remaining respondents on June 18, 1975. Respondents and complaint counsel have filed cross-appeals from the second initial decision and oral argument has been scheduled for Oct. 9, 1975.

with the first initial decision, he was totally unaware of the contents of the complaint.

Unsworn, second-hand allegations, however, do not warrant the setting aside of an initial decision. Accordingly,

It is ordered, That respondent Simpson's request that the initial decision, filed on Jan. 7, 1975, be set aside as to him, be, and it hereby is, denied without prejudice to the filing of a motion, accompanied by an affidavit by Mr. Simpson, in support of the motion, no later than Nov. 24, 1975.
