

**UNITED STATES OF AMERICA
THE DEPARTMENT OF THE TREASURY**

DIRECTOR OF PROFESSIONAL)
RESPONSIBILITY,)
)
Complainant,)
)
v.)
)
JOSEPH R. BANISTER,)
)
Respondent.)
_____)

Complaint No. 2003-2

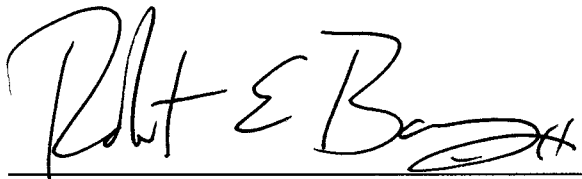
**MOTION TO ADJOURN THE HEARING
AND SUPPORTING MEMORANDUM**

The respondent, Joseph R. Banister (“Banister”), by and through counsel, Robert E. Barnes, hereby moves this honorable court, to adjourn the hearing. In an effort at economy, the respondent incorporates the reasons cited within respondent’s motions to dismiss, motion to abate and motion for discovery. The Complainant awaited until the eve of the hearing to add the amended charges, without availing the Respondent of the proper administrative process. In addition, the absence of factual specificity in the first and amended complaints, as well as the glaring omission of the names of potential witnesses further impairs the respondent’s ability to prepare a defense. Finally, the potential use of these proceedings as a masked criminal investigation warrant adjournment.

Wherefore, the respondent moves the honorable Administrative Law Judge, William B. Moran, to adjourn the hearing.

Respectfully submitted this 29th day of October, 2003.

THE LAW OFFICE OF ROBERT G. BERNHOFT
Attorneys for the Respondent

By: 
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CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that true and correct copies of the foregoing "Motion to Adjourn the Hearing and Supporting Memorandum" and "Certificate of Service" were served on counsel for the Director of Professional Responsibility, by both courtesy facsimile transmission on this very date and by placing the same in the custody of the United States Postal Service for first class delivery, postage prepaid, on October 29, 2003, addressed as follows:

Jay J. Kessler, Esquire
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Suite 1200
San Francisco, California 94105
(415) 848-4829 facsimile



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