

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1514/June 12, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-15619

In the Matter of

JOSEPH P. DOXEY AND
WILLIAM J. DANIELS

ORDER DENYING MOTION TO
CORRECT

An Order Instituting Administrative and Cease-and-Desist Proceedings commenced this proceeding on November 22, 2013, and an Initial Decision was issued on May 15, 2014. On June 10, 2014, Respondent Joseph P. Doxey (Doxey) filed a letter explaining that he “has not had the time or funds to respond” to the Initial Decision until now, and representing that he received a copy of the Initial Decision by fax on an unspecified date, but has yet to receive a copy by mail. The letter states that Doxey “IS HEREBY FILING THIS MOTION FOR A PETITION FOR REVIEW,” and so it appears Doxey intends the letter to constitute a petition for review pursuant to Rule 410 of the Securities and Exchange Commission’s (Commission) Rules of Practice, 17 C.F.R. § 201.410. However, the letter also states that he intends “TO CORRECT NUMEROUS ERRORS OF FACT STATED IN THE . . . INITIAL DECISION,” and the letter may accordingly be a motion to correct a manifest error of fact (motion to correct) pursuant to Rule 111(h) of the Commission’s Rules of Practice, 17 C.F.R. § 201.111(h).

To the extent Doxey’s letter is a motion to correct, his motion is DENIED because it does not identify any factual findings in the Initial Decision that are believed to be “patent misstatement[s] of fact.” 17 C.F.R. § 201.111(h); see Adoption of Amendments to the Rules of Practice and Related Provisions and Delegations of Authority of the Commission, 70 Fed. Reg. 72566, 72567 (Dec. 5, 2005) (“[M]otions to correct manifest error are properly filed under [Rule 111(h)] only if they contest a patent misstatement of fact in the initial decision.”). To the extent Doxey’s letter is a petition for review pursuant to Rule 410 of the Commission’s Rules of Practice, the Commission will determine whether to accept or deny Doxey’s petition.

I do not find that Doxey’s motion to correct is untimely, because the date of service of the Initial Decision on him is unclear. See 17 C.F.R. §§ 201.111(h), .360(b). Indeed, it is possible that the Initial Decision has not yet been served on Doxey in compliance with Rules 141(b) of the Commission’s Rules of Practice. While Doxey, who is pro se, has made use of fax transmission in this proceeding, I see no evidence that he agreed to accept service by fax in a writing signed by him. 17 C.F.R. § 201.141(b). Further, the Commission’s Office of the Secretary mailed a copy of the Initial Decision to him by U.S. Postal Service Certified Mail, but

as of June 11, 2014, the tracking information showed that the mailing had neither been delivered to nor returned from the Boca Raton, Florida, address to which it was sent. Further, the letter represents that Doxey is now homeless, suggesting that the Office of the Secretary may have mailed the Initial Decision to an address that is no longer Doxey's "dwelling house or usual place of abode." 17 C.F.R. § 201.141(a)(2)(i). But see 17 C.F.R. § 201.102(d)(1) (individual representing self "shall file with the Commission, or otherwise state on the record, and keep current, an address at which any notice or other written communication required to be served upon him or her or furnished to him or her may be sent" (emphasis added)).

SO ORDERED.

Cameron Elliot
Administrative Law Judge