

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 685/ October 19, 2011

ADMINISTRATIVE PROCEEDING
File No. 3-14390

In the Matter of	:	ORDER DENYING MOTION
	:	TO CORRECT MANIFEST
RICHARD L. GOBLE	:	ERRORS OF FACT

On October 5, 2011, the undersigned issued an Initial Decision (ID), which barred Respondent Richard L. Goble (Goble) from associating with a broker, dealer, investment adviser, municipal securities dealer, nationally recognized statistical rating organization, and transfer agent. On October 17, 2011, Goble submitted a Motion to Correct Manifest Errors of Fact (Motion), pursuant to Rule 111(h) of the Securities and Exchange Commission's Rules of Practice. See 17 C.F.R. § 201.111(h).

A motion to correct a manifest error is properly filed only if the basis for the motion is a patent misstatement of fact in the Initial Decision. See id. Goble admits that the District Court (Court) found that Goble's "egregious conduct was reoccurring and occurred with the 'highest degree of scienter,'" but contends that this finding pertained to conduct for which he was found not liable. Motion, p. 2-3. It is true that the quoted language from the Court's Bench Trial Opinion (Opinion) cited to Proposed Findings of Fact which the Court did not fully adopt, and which related principally to conduct for which Goble was found not liable. Opinion, pp. 5-7. However, the quoted language appears in the section of the Opinion regarding the permanent injunction, and therefore clearly pertains to misconduct for which Goble was found liable. That the citation arguably provides only weak support for the quoted language in the Opinion does not establish a patent misstatement of fact in the ID.

The remaining points and arguments raised in the Motion simply restate the points and arguments Goble raised in his Opposition to the Division of Enforcement's Motion for Summary Disposition, and were addressed in the ID. Accordingly, Goble has not established a patent misstatement of fact.

For the reasons stated, Goble's Motion is DENIED.

Cameron Elliot
Administrative Law Judge