

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

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 6147/October 9, 2018

ADMINISTRATIVE PROCEEDING  
File No. 3-18095

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In the Matter of	:	
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AV THERAPEUTICS, INC.,	:	ORDER TO SHOW CAUSE
BALQON CORPORATION,	:	
EMPRESS MINING INC. (f/k/a PENOLA, INC.), and	:	
PASSPORT POTASH, INC.	:	

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The Securities and Exchange Commission instituted this proceeding with an Order Instituting Proceedings (OIP), pursuant to Section 12(j) of the Securities Exchange Act of 1934 on August 2, 2017. On October 17, 2017, an Initial Decision of Default revoked the registered securities of Balqon Corporation, Empress Mining Inc. (f/k/a Penola, Inc.), and Passport Potash, Inc. (Respondents).<sup>1</sup> *AV Therapeutics, Inc.*, Initial Decision Release No. 1192, 2017 SEC LEXIS 3314 (A.L.J.). Each Respondent had been served with the OIP by September 20, 2017, by USPS Express Mail delivery or attempted delivery at “the most recent address shown on [its] most recent filing with the Commission,” pursuant to 17 C.F.R. § 201.141(a)(2)(ii), and failed to file an Answer.

Thereafter, the proceeding was stayed: On June 21, 2018, “[i]n light of the Supreme Court’s decision in *Lucia v. SEC*,” 138 S. Ct. 2044 (2018), the Commission stayed all pending administrative proceedings, including this one; the stay was operative through August 22, 2018. *Pending Admin. Proc.*, Securities Act of 1933 Release Nos. 10510, 2018 SEC LEXIS 1490; 10522, 2018 SEC LEXIS 1774 (July 20, 2018). On August 22, 2018, the Commission ended the stay and ordered a new hearing in each affected proceeding before an administrative law judge who had not previously participated in the proceeding, unless the parties expressly agreed to alternative procedures, including agreeing that the proceeding remain with the previous presiding administrative law judge. *Pending Admin. Proc.*, Securities Act Release No. 10536, 2018 SEC LEXIS 2058, at \*2-3 (August 22 Order). Accordingly, the proceeding was reassigned to the undersigned. *Pending Admin. Proc.*, Admin. Proc. Rulings Release No. 5955, 2018 SEC LEXIS 2264 (C.A.L.J. Sept. 12, 2018).

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<sup>1</sup> The proceeding had ended as to AV Therapeutics, Inc., which settled. *AV Therapeutics, Inc.*, Exchange Act Release No. 81378, 2017 SEC LEXIS 2461 (Aug. 10, 2017).

In view of the reassignment of the proceeding, Respondents were afforded a new opportunity to file Answers, which were due by October 5, 2018. *AV Therapeutics, Inc.*, Admin. Proc. Rulings Release No. 6037, 2018 SEC LEXIS 2498 (Sept. 20, 2018). To date, each Respondent has failed to file an Answer. Accordingly, each Respondent IS ORDERED TO SHOW CAUSE, by October 17, 2018, why it should not be deemed to be in default and the registration of its securities revoked. *See* OIP at 3; 17 C.F.R. §§ 201.155(a), .220(f).

/s/ Carol Fox Foelak  
Carol Fox Foelak  
Administrative Law Judge