

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

Administrative Proceedings Rulings
Release No. 6587 / May 29, 2019

Administrative Proceeding
File No. 3-17716

In the Matter of

Robert L. Baker,
Jacob B. Herrera,
Michael D. Bowen, and
Terrence A. Ballard

**Notice Regarding Motions to
Compel and Procedural
Schedule**

The order instituting proceedings in this matter was issued on December 8, 2016, pursuant to Section 8A of the Securities Act of 1933, Sections 15(b) and 21C of the Securities Exchange Act of 1934, and Section 9(b) of the Investment Company Act of 1940. On March 22, 2018, the Securities and Exchange Commission accepted offers of settlement from three Respondents—Robert L. Baker, Jacob B. Herrera, and Michael D. Bowen—and ordered additional proceedings to determine what, if any, disgorgement and prejudgment interest those three Respondents should be ordered to pay pursuant to Section 8A(e) of the Securities Act and Sections 21B(e) and 21C(e) of the Exchange Act. *Robert L. Baker*, Securities Act Release No. 10471, 2018 SEC LEXIS 763.

The proceeding was reassigned to me on March 18, 2019. I extended the prehearing schedule for a second time on May 2, 2019. *Baker*, Admin. Proc. Rulings Release No. 6559, 2019 SEC LEXIS 1018 (ALJ). Then, on May 17, 2019, I ordered Herrera to comply with an outstanding subpoena and if Herrera chose not to comply, to show cause by May 24 why his failure to comply should not be referred for subpoena enforcement proceedings in federal district court. *Baker*, Admin. Proc. Rulings Release No 6581, 2019 SEC LEXIS 1163 (ALJ). And in a motion submitted on May 20, 2019, the Division of Enforcement asks me to similarly compel Baker and Bowen to comply with subpoenas issued to them on April 14, 2019, to which they have allegedly failed to respond.

I had intended to compel Baker and Bowen the same way I did Herrera, but recently, my office received word from the Division that a settlement of all remaining issues as to Baker, Bowen, and Herrera may be forthcoming. Therefore, I will not act on the motion to compel Baker and Bowen for the time being. I will also not act on Herrera's failure to show cause by May 24, 2019.

However, I remind the parties that until they file a joint motion to stay this proceeding due to an agreement in principle to a settlement on all major terms pursuant to 17 C.F.R. § 201.161(c)(2), the procedural schedule remains in effect. Notably, the schedule calls for the Division to file a motion for summary disposition by June 7, 2019.

Brenda P. Murray
Chief Administrative Law Judge