

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934

Rel. No. 73949 / December 29, 2014

Admin. Proc. File No. 3-16268

In the Matter of
ROBERT C. WEAVER, JR., ESQ.

ORDER DENYING MOTION TO LIFT
TEMPORARY SUSPENSION AND
DIRECTING HEARING

On November 12, 2014, we issued an order ("Temporary Suspension Order"), pursuant to Commission Rule of Practice 102(e)(3)(i)(A),¹ temporarily suspending Robert C. Weaver, Jr., Esq., an attorney licensed to practice law in California, from appearing or practicing before the Commission as an attorney.² Weaver has filed a timely petition, pursuant to Rule 102(e)(3)(ii),³ requesting that his temporary suspension be lifted. For the reasons set forth below, we have determined to deny Weaver's petition and to set the matter down for a hearing before an administrative law judge.

On August 13, 2012, the Commission filed a civil action against Weaver (and others) in federal district court, alleging that, between 2006 and 2011, Weaver participated in a scheme to create, register, and sell fifteen public shell companies putatively engaged in mining operations.⁴ The complaint alleged that, as part of the scheme, Weaver wrote opinion letters for registration

¹ 17 C.F.R. § 201.102(e)(3)(i)(A) (providing, in part, that "[t]he Commission, with due regard to the public interest and without preliminary hearing, may, by order, temporarily suspend from appearing or practicing before it any attorney . . . who has been by name: (A) permanently enjoined by any court of competent jurisdiction, by reason of his or her misconduct in an action brought by the Commission, from violating or aiding and abetting the violation of any provision of the Federal securities laws or of the rules and regulations thereunder").

² *Robert C. Weaver, Jr., Esq.*, Securities Exchange Act Release No. 73578, 2014 WL 5842376 (Nov. 12, 2014).

³ 17 C.F.R. § 201.102(e)(3)(ii).

⁴ *See SEC v. Thomas D. Coldicutt, Jr., et al.*, Civil Action No. 4:12-CV-00505 (E.D. Tex. Aug. 13, 2012). The case subsequently was transferred from the U.S. District Court for the Eastern District of Texas to the U.S. District Court for the Central District of California.

statements filed on behalf of the shell companies, acted as counsel for three of the companies, and served as the sole officer and director for one of the companies, Centaurus Resources Corp. The complaint also alleged that Weaver provided the initial funding for Centaurus, and that, in his capacity as Centaurus's officer and director, signed and certified filings with the Commission that contained false and inaccurate statements.

On August 15, 2014, the district court entered a final judgment by consent against Weaver,⁵ permanently enjoining him from future violations of Sections 17(a)(2) and 17(a)(3) of the Securities Act of 1933, Section 15(d) of the Securities Exchange Act of 1934, and Exchange Act Rules 12b-20, 15d-1, 15d-13, and 15d-14.⁶ The final judgment also prohibited Weaver from acting as an officer or director of a public company for five years; barred him from participating in penny stock offerings for five years; and required him to pay \$55,175.07 in disgorgement, plus \$9,218.27 in pre-judgment interest, and a \$50,000 civil penalty.

In issuing the Temporary Suspension Order, we found it "appropriate and in the public interest" that Weaver be temporarily suspended from appearing or practicing before the Commission based on the district court's final judgment.⁷ We stated that the temporary suspension would become permanent unless Weaver filed a petition seeking to lift it within thirty days of service of the Temporary Suspension Order pursuant to Rule 102(e)(3)(ii).⁸ We further advised that, pursuant to Rule 102(e)(3)(iii), upon receipt of such petition, we would either lift the temporary suspension, set the matter down for a hearing, or both.⁹

In his petition, Weaver argues that "a temporary suspension that automatically becomes a permanent indefinite suspension is unjust and unwarranted." He requests that we "reconsider this order [the Temporary Suspension Order] and/or set this matter down for a hearing." The Office of the General Counsel ("OGC") has opposed lifting the temporary suspension and requests that we set the matter down for a hearing.

After considering the parties' arguments and the applicable law, we have determined to deny Weaver's petition and to set the matter down for a hearing.¹⁰ In the Temporary Suspension

⁵ *SEC v. Thomas D. Coldicutt, Jr., et al.*, Civil Action No. 2:13-CV-01865-RGK-VBK (C.D. Ca. Aug. 15, 2014).

⁶ 15 U.S.C. §§ 77q(a) & 78o(d); 17 C.F.R. §§ 240.12b-20, .15d-1, .15d-13, and .15d-14.

⁷ *Weaver*, 2014 WL 5842376, at *2.

⁸ *Id.*

⁹ *Id.*

¹⁰ The Commission has denied similar petitions in the recent past. *See, e.g., Brian Williamson, Esq.*, Exchange Act Release No. 72435, 2014 WL 2769502 (June 19, 2014); *Virginia K. Sourlis, Esq.*, Exchange Act Release No. 69358, 2013 WL 1453371 (Apr. 10, 2013); *Stewart A. Merkin, Esq.*, Exchange Act Release No. 68981, 2013 WL 661621 (Feb. 25, 2013); *Jilaine H. Bauer, Esq.*, 2012 WL 5493356; *Mitchell Segal, Esq.*, Exchange Act Release No. 67930, 2012 WL

Order, the Commission deemed it "appropriate and in the public interest" that Weaver be temporarily suspended, and Weaver has not offered any persuasive reason to question that determination. Continuing Weaver's temporary suspension pending a hearing on the issues raised in his petition serves the public interest and protects the Commission's processes. As discussed, a court of competent jurisdiction has permanently enjoined Weaver, an attorney, from violating the federal securities laws. The findings made in the injunctive proceeding, which Weaver is precluded from contesting in this Rule 102(e)(3) proceeding, and the permanent injunction issued against him justify the continuation of his temporary suspension until it can be determined what, if any, action may be appropriate to protect the Commission's processes.¹¹

Under the circumstances, we find it appropriate to deny Weaver's request to lift the temporary suspension and continue his suspension pending the holding of a public hearing and a decision by a law judge. As provided in Rule 102(e)(3)(iii), we will set the matter down for a public hearing. We express no opinion as to the merits of Weaver's arguments.

Accordingly, IT IS ORDERED that this proceeding be set down for a public hearing before an administrative law judge in accordance with Commission Rule of Practice 110. As specified in Rule of Practice 102(e)(3)(iii), the hearing in this matter shall be expedited in accordance with Rule of Practice 500; it is further

ORDERED that the administrative law judge shall file an initial decision no later than 210 days from the date of service of this order; and it is further

(...continued)

4458283 (Sept. 26, 2012); *Ran H. Furman*, Exchange Act Release No. 65680, 2011 WL 5231425 (Nov. 3, 2011); *Michael C. Pattison, CPA*, Exchange Act Release No. 64598, 2011 WL 2169094 (June 3, 2011); *Carl W. Jasper, CPA*, Exchange Act Release No. 64077, 2011 WL 881508 (Mar. 11, 2011); *William D. Shovers*, Exchange Act Release No. 59874, 2009 WL 1271170 (May 6, 2009); *Chris G. Gunderson, Esq.*, Exchange Act Release No. 56396, 2007 WL 2668485 (Sept. 12, 2007); *Ulysses "Thomas" Ware*, Exchange Act Release No. 51222, 2005 WL 399675 (Feb. 17, 2005); *Daniel S. Lezak*, Exchange Act Release No. 50729, 2004 WL 2721400 (Nov. 23, 2004); *Herbert M. Campbell, II*, Exchange Act Release No. 43422, 2000 WL 1482918 (Oct. 6, 2000).

¹¹ See 17 C.F.R. § 201.102(e)(3)(iv) (stating that, in any hearing held on a petition filed in accordance with Rule 102(e)(3)(ii), the petitioner may not contest any findings made against him in the underlying proceeding).

ORDERED that Robert C. Weaver, Jr., Esq.'s petition to lift the temporary suspension is denied, and that the temporary suspension shall remain in effect pending a hearing and decision in this matter.

By the Commission.

Brent J. Fields
Secretary