

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

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 1683/August 8, 2014

ADMINISTRATIVE PROCEEDING  
File No. 3-15830

In the Matter of

HERBERT STEVEN FOUKE

ORDER TAKING OFFICIAL NOTICE OF  
MATERIAL FACTS PURSUANT TO  
17 C.F.R. § 201.323

On April 8, 2014, the Securities and Exchange Commission (Commission) issued an Order Instituting Administrative Proceedings (OIP) against Herbert Steven Fouke (Fouke), pursuant to Section 15(b) of the Securities Exchange Act of 1934 and Section 203(f) of the Investment Advisers Act of 1940. Fouke is in default because he failed to file an answer to the OIP's allegations, appear at the telephonic prehearing conference held on May 8, 2014, or otherwise defend this proceeding. Herbert Steven Fouke, Admin. Proc. Rulings Release No. 1425, 2014 SEC LEXIS 1593 (May 8, 2014). The Division of Enforcement has filed its Motion for Sanctions Against Fouke with supporting exhibits, as well as its Amended Motion for Sanctions Against Fouke.

Pursuant to Commission Rule of Practice 323, 17 C.F.R. § 201.323, I take official notice of the docket sheet, proceedings, record, and all filings in United States v. Buswell, No. 6:11-cr-198 (W.D. La.) (Buswell). Specifically, I take official notice of the following documents and all facts or allegations contained therein: the August 10, 2011, indictment against Fouke and others; the May 2, 2014, stipulation of restitution amounts owed; the May 14, 2014, minute entry regarding Fouke's sentencing; and the May 23, 2014, judgment against Fouke. See Buswell, ECF Nos. 1, 195, 205, 208.

SO ORDERED.

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Cameron Elliot  
Administrative Law Judge