

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

ADMINISTRATIVE PROCEEDINGS RULINGS

Release No. 2041/November 21, 2014

ADMINISTRATIVE PROCEEDING

File No. 3-16175

In the Matter of

KENNETH C. MEISSNER,
JAMES DOUG SCOTT, and
MARK S. "MIKE" TOMICH

ORDER FOLLOWING PREHEARING
CONFERENCE AND PROTECTIVE
ORDER

A prehearing conference to discuss a potential settlement between Respondent Kenneth C. Meissner (Meissner) and the Division of Enforcement (Division) was held on November 20, 2014. The prehearing conference was attended by Meissner and the Division; Respondents James Doug Scott and Mark S. "Mike" Tomich did not attend.

This Office was copied on four emails sent by Meissner to the Division of Enforcement on November 18-19, 2014, attaching scanned pages of a civil complaint filed in the district court of Bexar County, Texas. I reminded the parties that they must communicate with this Office by formal filings only, and that they must follow Commission Rules of Practice 151 and 152. *See* 17 C.F.R. § 201.151, .152. I notified the parties that I would submit Meissner's four emails to the Office of the Secretary for filing, but future filings should be mailed in hardcopy to the Office of the Secretary, U.S. Securities and Exchange Commission, 100 F Street N.E., Mail Stop 1090, Washington, D.C. 20549. Filings made with the Office of the Secretary must include an original and three copies. Courtesy copies of filings may be transmitted to this Office by email at alj@sec.gov.

On November 13, 2014, Meissner filed a collection of letters and financial statements. I decided to construe the first four pages as his Answer. The remainder of the filing contains detailed financial information of Meissner and his wife, including personally identifiable information. During the prehearing conference, the parties discussed Meissner's financial situation in significant detail. Although documents and testimony introduced in a public hearing are presumed to be public, I find that the harm resulting from the disclosure of Meissner's financial information contained in his filing and the prehearing conference transcript outweighs the benefits of public disclosure. *See*

17 C.F.R. § 201.322(b). I therefore ORDER that the documents attached to Meissner's Answer and the transcript from yesterday's prehearing transcript be subject to a protective order and SEALED.

SO ORDERED.

Cameron Elliot
Administrative Law Judge