

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 2508/April 7, 2015

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

The Securities and Exchange Commission (Commission) commenced this proceeding on September 25, 2014, with an Order Instituting Administrative and Cease-and-Desist Proceedings (OIP) pursuant to Sections 15(b) and 21C of the Securities Exchange Act of 1934 and Section 9(b) of the Investment Company Act of 1940.

A telephonic prehearing conference was held today, and was attended by the Division of Enforcement (Division) and Respondent James Doug Scott (Scott). The parties agreed to the following briefing schedule regarding Scott's representation of his inability to pay any disgorgement or civil penalty:

- April 24, 2015: Respondent's previous and updated versions of his Statement of Financial Condition due. *See* 17 C.F.R. § 201.630;
- May 8, 2015: Division's Response due.

Pursuant to Rule 630(c) of the Commission's Rules of Practice, any respondent submitting financial information pursuant to Rule 630 may make a motion, pursuant to Rule 322, for the issuance of a protective order against disclosure of the information. 17 C.F.R. § 201.630(c). At the prehearing conference, Scott requested such protective order. Although documents introduced in a public hearing are presumed to be public, I find that the harm resulting from the disclosure of Scott's financial information contained in his filing and in the Division's Response outweighs the benefits of public disclosure. *See* 17 C.F.R. § 201.322(b). I therefore ORDER that Scott's upcoming filing of his Statements of Financial Condition and the Division's Response be subject to a protective order and SEALED.

SO ORDERED.

Cameron Elliot
Administrative Law Judge