

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 813/August 26, 2013

ADMINISTRATIVE PROCEEDING
File No. 3-15413

In the Matter of

RICHARD D. HICKS

ORDER POSTPONING HEARING AND
SCHEDULING PREHEARING
CONFERENCE

The Securities and Exchange Commission (Commission) issued a Corrected Order Instituting Administrative and Cease-and-Desist Proceedings (OIP) on August 13, 2013, alleging that Richard D. Hicks (Hicks) violated Sections 5(a), 5(c), and 17(a) of the Securities Act of 1933, Sections 10(b) and 15(a) of the Securities Exchange Act of 1934 (Exchange Act), Exchange Act Rule 10b-5, and Sections 206(1) and (2) of the Investment Advisers Act of 1940. On August 14, 2013, the Commission sent the OIP by Certified Mail to Hicks at 936 Troup Highway, Tyler, Texas 75701. The OIP requires filing of an answer within twenty days after service of the OIP. See OIP at 7; 17 C.F.R. § 201.220. USPS left a notice at the Tyler, Texas, address on August 17, 2013. As of this date, there is no record that Hicks was served with the OIP.

A hearing is scheduled to begin on September 16, 2013. On August 23, 2013, the Division of Enforcement (Division) filed a Motion to Postpone Hearing to allow time for Hicks to receive the OIP and file an Answer. If Hicks is served with the OIP and does not answer, the Division will move for a default.

Order

I ORDER that the hearing is postponed and a telephonic prehearing conference will be held at 2:00 p.m. EDT on Wednesday, September 11, 2013. I will default Hicks, if when service has been established, he does not answer the OIP, participate in the prehearing conference, or otherwise defend the proceeding. See OIP at 7; 17 C.F.R. §§ 201.155(a), .220(f), .221(f).

Brenda P. Murray
Chief Administrative Law Judge