

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

ADMINISTRATIVE PROCEEDINGS RULINGS

Release No. 686/October 19, 2011

ADMINISTRATIVE PROCEEDING

File No. 3-14401

In the Matter of	:	
	:	
CITIZENS CAPITAL CORP.,	:	ORDER DENYING
COHO ENERGY, INC.,	:	MOTION TO CORRECT
COLONIAL INDUSTRIES, INC.,	:	MANIFEST ERRORS
COMP-U-CHECK, INC.,	:	OF FACT
COMPUTER AUTOMATION, INC.,	:	
CONCENTRAX, INC., and	:	
CONSOLIDATED CAPITAL PROPERTIES VII	:	

The Securities and Exchange Commission (Commission) issued its Order Instituting Proceedings on May 23, 2011, pursuant to Section 12(j) of the Securities Exchange Act of 1934. An Initial Decision as to Citizens Capital Corp. (Respondent or Citizens) was issued on September 23, 2011. Citizens filed a Motion to Correct Manifest Errors of Fact (Motion) on October 4, 2011. The Division of Enforcement (Division) filed its Opposition to the Motion on October 17, 2011.

In its Motion, Citizens challenges five findings of fact in the Initial Decision that were based on evidence in the record. The Division opposes each of the five alleged errors, arguing that the Motion attempts to revisit conclusions of law and merits of the case, which is inappropriate on a motion to correct pursuant to Rule 111(h) of the Commission's Rules of Practice. See 17 C.F.R. § 201.111(h).

A motion to correct a manifest error of fact is properly filed "only if the basis for the motion is a patent misstatement of fact in the initial decision." 17 C.F.R. § 201.111(h). To support changing a factual finding in the Initial Decision, Citizens must show a patent misstatement, which is "readily visible or intelligible: obvious," Merriam-Webster's Collegiate Dictionary 849 (10th ed. 2001), or "an error that is plain and indisputable, and that amounts to a complete disregard of . . . the credible evidence in the record." Black's Law Dictionary 563 (7th ed. 1999). Citizens has made no such showing.

All of the findings of fact in the Initial Decision were substantiated by the parties' filings and submissions. Respondent's Motion goes to the weight of the evidence and the inferences drawn from the facts as a whole; it does not identify a patent misstatement of fact. The Motion contains arguments that are more appropriate to be raised in a petition for review of the Initial Decision filed pursuant to Rule 410 of the Commission's Rules of Practice. See 17 C.F.R. § 201.410.

For the foregoing reasons, Respondent's Motion is DENIED.

SO ORDERED.

Robert G. Mahony
Administrative Law Judge