

Record Index

as of 3/29/2023

Page 1 of 6

Administrative Proceeding File No: 3-17253**Respondents:**

Winkelman, James A., Sr.; and Blue Ocean Portfolios, LLC

Filed Date	Event Description	Release No
5/19/2016 8:12	Order Instituting Administrative and Cease and Desist Proceedings	33-10080
5/20/2016 14:17	Order Scheduling Hearing and Designating Presiding Judge	AP-3856
5/24/2016 10:19	Notice of Appearance, David Benson, on behalf of the Division	
5/24/2016 10:20	Notice of Appearance, Benjamin J. Hanauer, on behalf of the Division	
6/3/2016 15:09	Joint Motion to Convert the 6/20/16 Hearing into a Telephonic Prehearing Conference.	
6/10/2016 8:48	Respondents' Motion for More Definite Statement (fax copy/ hard copy 6/13/16)	
6/10/2016 13:37	Order	AP-3910
6/13/2016 16:06	Notice of Appearance of Michael A. Gross and Heidi E. VonderHeide, Ulmer & Berne, LLP, on behalf of James A. Winkelman and Blue Ocean Portfolios, LLC.	
6/13/2016 16:09	Respondents' Answer and Defenses	
6/17/2016 16:08	Division's Response in Opposition to Respondents' Motion for More Definite Statement	
6/20/2016 8:42	Respondents' Reply in Support of Their Motion for More Definite Statement. (fax copy; hard copy 6/21/16)	
6/20/2016 16:54	Prehearing Order	AP-3931
7/7/2016 8:59	Division's Request for the Issuance of Document Subpoenas, with Attached Exhibits.	
7/11/2016 14:52	Scheduling Order	AP-3977
7/11/2016 15:50	Transcript of 6/20/16 Telephonic Prehearing Conference, pp. 1-13.	
7/20/2016 13:58	Order	AP-4002
7/25/2016 14:50	Division's List of Additional False and Misleading Statements Made by Respondents.	
8/15/2016 12:33	Respondents' Response to the Division's List of Additional False and Misleading Statements Made By Respondents. (fax copy/ hard copy 8/15/16)	
8/15/2016 14:58	Respondents' Witness List. (fax copy/ hard copy 8/15/16)	
8/15/2016 15:40	Division's List of Potential Witnesses	
8/15/2016 15:50	Division's Expert Report of Arthur B. Laby	
8/18/2016 15:56	Division's Request for the Issuance of Testimony Subpoenas, with Attached Subpoenas	
9/7/2016 9:17	Order Redesignating Presiding Judge	AP-4131

Record Index

as of 3/29/2023

Page 2 of 6

9/8/2016 12:49	Division's Request for the Issuance of Document Subpoenas, with Attached Subpoenas	
9/9/2016 14:57	Order Rescheduling Prehearing Conference	AP-4144
9/14/2016 10:45	Respondents' Exhibit List. (fax copy/ hard copy 9/15/16)	
9/15/2016 17:25	Division's List of Proposed Exhibits	
9/20/2016 14:41	Division's Motion to Exclude Respondents' Proposed Exhibits RX 093-100	
9/21/2016 7:16	Respondents' Expert Report of R. Craig Palubiak (fax copy/ hard copy 9/22/16)	
9/21/2016 7:18	Respondents' Pre-Hearing Brief (fax copy/ hard copy 9/22/16)	
9/21/2016 9:22	Respondents' Objections to Division's Proposed Exhibits (fax copy/ hard copy 9/22/16)	
9/21/2016 9:23	Respondents' Request for Certification of Production of All Material Exculpatory Evidence (fax copy/ hard copy 9/22/16)	
9/21/2016 9:25	Respondents' Motion in Limine to Exclude Expert Testimony, Investor Testimony and to Strike Trial Exhibits (fax copy/ hard copy 9/22/16)	
9/22/2016 9:44	Division's Pre-Hearing Brief	
9/22/2016 9:47	Division's Objections to Certain of Respondents' Proposed Exhibits.	
9/23/2016 11:11	Order Following Final Prehearing Conference	AP-4189
9/29/2016 17:20	Respondents' Revised Witness List. (fax copy/ hard copy 9/30/16)	
9/30/2016 9:29	Transcript of 9/22/16 Telephonic Prehearing Conference, pp. 14-69.	
10/18/2016 10:33	Post-Hearing Order	AP-4270
10/20/2016 14:38	Transcript of 10/5/2016 Hearing; St. Louis, MO; pp. 333-612	
10/24/2016 9:54	Transcript of 10/14/16 Hearing; St. Louis, MO, pp. 1413-1545	
11/3/2016 15:50	Order Extending Date to File Transcript Corrections	AP-4321
11/7/2016 14:58	Joint List of Exhibits	
11/7/2016 15:05	Division's Admitted Exhibits (DX 1-5, 7-9, 11, 13, 15-33, 35-97, 99-125, 127-138, 140, 142-169, 170UnSeal,171-201, 203, 205-206, 208-217, 220-223, 225, 228-236, 238-249, 251-269, 271-295, 298-310, 312-335, 339-358, 361, 363-364, 366, 369-396, 398-404; 406-418, 420-424, 426-428, 432-433, 440-444, 446, 448, 450, 452, 454-463, 466-468, 470-471, 474, 477, 485, 489)	
11/7/2016 15:23	Respondents' Admitted Exhibits (RX 1-43, 45-46, 48-92, 101-105, 106, 107-110, 113-123, 125)	
11/15/2016 14:48	Parties' Factual Stipulations	
11/15/2016 16:32	Order on Stipulations	AP-4350
11/16/2016 13:39	Transcript of 10/4/16 Hearing; St Louis MO; pp. 1-332	
11/16/2016 13:40	Transcript of 10/6/16 Hearing; St Louis, MO; pp. 613-850	
11/16/2016 13:41	Transcript of 10/7/16 Hearing; St Louis, MO; 11. 851-1087	
11/16/2016 13:44	Transcript of 10/13/16 Hearing; St. Louis, MO; pp. 1088 - 1412	

Record Index

as of 3/29/2023

Page 3 of 6

11/21/2016 15:46	Order on Transcript Corrections	AP-4378
11/21/2016 16:30	The Parties' Stipulated Transcript Corrections	
11/23/2016 11:31	Respondents' Post-Hearing Brief (fax copy; hard copy rcvd 11/23/16)	
11/23/2016 11:31	Respondents' Proposed Findings of Fact (fax copy; hard copy rcvd 11/23/16)	
11/23/2016 13:26	Division's Statement of Facts	
11/23/2016 13:50	Division's Post-Hearing Brief	
12/5/2016 16:40	Amended Transcript of 10/4/16 Hearing; St. Louis, MO; pp. 1- 330.	
12/5/2016 16:41	Amended Transcript of 10/5/16 Hearing; St. Louis, MO; pp. 333-610	
12/5/2016 16:50	Amended Transcript of 10/6/16 Hearing; St. Louis, MO; pp. 613-848.	
12/5/2016 16:55	Amended Transcript of 10/7/16 Hearing; St. Louis, MO; pp. 851-1085.	
12/5/2016 16:58	Amended Transcript of 10/13/16 Hearing; St. Louis, MO; pp. 1088-1410.	
12/5/2016 16:59	Amended Transcript of 10/14/16 Hearing; St. Louis, MO. pp. 1413-1543.	
12/16/2016 13:10	ALJ Patil's Exhibit List Pursuant to Rule 351.	
12/22/2016 16:29	Respondent's' Response to Division's Post Hearing Brief (fax copy; hard copy rcvd 12/27/16)	
12/22/2016 16:31	Respondents' Response to Division's Proposed Findings of Fact (fax copy; hard copy rcvd 12/27/16)	
12/27/2016 16:53	Division's Response to Respondents' Proposed Findings of Fact	
12/27/2016 16:57	Division's Post-Hearing Response Brief	
1/10/2017 13:50	Letter dated 6/24/16 to ALJ Foelak from Division (copy from ALJ)	
1/10/2017 13:52	Division's Amended List of Proposed Exhibits (dated 9/28/16) (copy from ALJ)	
1/13/2017 7:57	Record Index Prepared by the Office of the Secretary	
1/25/2017 9:05	Parties' Proposed Corrections to Record Index, with Exhibit A.	
1/25/2017 10:09	Stipulations Regarding Admissibility of Exhibits. (dated 10/2/16) (copy from Division)	
1/27/2017 10:01	Revised Record Index Prepared by the Office of the Secretary	
3/20/2017 14:35	Initial Decision	ID-1116
4/7/2017 9:27	Respondents' Petition For Review (fax copy)	
4/17/2017 8:14	Division's Cross Petition For Review (of Initial Decision) (Fax copy; hard copy rcv'd 4/18/17)	
5/8/2017 9:50	Order Granting Petitions for Review and Scheduling Briefs	33-10354
5/19/2017 6:48	Motion For Leave To Add Additional Evidence (Fax copy; hard copy rcv'd 5/22/17)	
5/24/2017 16:56	Division's Response To Respondents' Motion For Leave To Add Additional Evidence (Fax copy; hard copy rcvd 5/30/17)	
5/30/2017 6:49	Respondent's Reply Motion For Leave To Add Additional Evidence, with Ex. A (Fax copy; hard copy rcv'd 6/1/17)	

Record Index

as of 3/29/2023

Page 4 of 6

6/7/2017 7:34	Division's Brief In Support Of Its Cross-Petition For Review (Fax copy; hard copy rcv'd 6/8/17)	
6/7/2017 7:45	Respondents' Brief In Support Of Petition For Review (Fax copy; hard copy rcv'd 6/8/17)	
6/15/2017 15:51	Order Granting Leave to Adduce Additional Evidence	33-10370
6/23/2017 7:18	Respondents' Unopposed Motion To Revise Briefing Schedule (Fax copy; hard copy rcv'd 6/27/17)	
6/28/2017 13:54	Extension Order	33-10374
7/7/2017 12:59	Division's Response In Opposition To Respondents' Brief In Support Of Petition For Review (Fax copy; hard copy rcv'd 7/10/17)	
7/7/2017 14:36	Respondents' Response To The Division's Brief In Support Of Cross-Petition For Review (Fax copy; hard copy rcv'd 7/10/17)	
7/28/2017 11:48	Division's Reply In Support Of Its Cross-Petition For Review (Fax copy; hard copy rcv'd 7/31/17)	
7/28/2017 11:52	Respondents' Reply Brief In Support Of Petition For Review (Fax copy; hard copy rcv'd 7/31/17)	
11/30/2017 11:18	Order	33-10440
12/4/2017 13:53	Order Ratifying Administrative Law Judges' Assignments	AP-5247
12/5/2017 15:04	Notice to the Parties and Order Following Remand	AP-5265
12/19/2017 15:50	Order Extending Briefing Deadlines	AP-5407
12/20/2017 13:42	Division's Unopposed Motion to Extend Briefing Schedule for Filings Following Remand	
1/8/2018 16:16	Letter from Division dated 1/5/18 to ALJ	
1/26/2018 8:27	Respondents' Submission of New Evidence, w/Exs. 127-128 (Fax copy; hard copy rcv'd 1/29/18)	
2/9/2018 12:08	Division's Response to Respondents' Submission of New Evidence	
2/14/2018 16:29	Order Extending Deadline for Decision on Ratification	AP-5593
3/8/2018 16:37	Declaration of James A. Winkelmann	
6/21/2018 13:30	Order	33-10510
6/27/2018 15:51	Notice of Stay	AP-5869
7/20/2018 10:03	Order	33-10522
7/24/2018 16:17	Notice of Extension of Stay	AP-5941
8/22/2018 13:00	Order	33-10536
8/23/2018 16:34	Notice from the Chief Administrative Law Judge	AP-5954
9/12/2018 7:34	Chief Administrative Law Judge's Order Assigning Proceedings Post Lucia v. SEC	AP-5955
9/21/2018 11:51	Letter dated 9/7/18 from counsel for Respondents J. Winkelman and Blue Ocean Portfolios (Heidi VonderHeide, Esq.) (rcv'd via email from ALJ)	

Record Index

as of 3/29/2023

Page 5 of 6

9/21/2018 16:02	Order Affirming Assignments	AP-6062
10/15/2018 12:48	Initial Decision Following Remand	ID-1261
11/5/2018 15:14	Division's Petition for Review (Fax copy; hard copy rcv'd 11/6/18)	
11/12/2018 9:07	Notice of Withdrawal, Alan Wolper, Esq., Heidi VonderHeide, Esq., and Michael Gross, Esq., Ulmer & Berne LLP, on behalf of James Winkelman (Fax copy; hard copy rcv'd 11/13/18)	
11/14/2018 17:37	Respondents' Motion for Summary Affirmance (Fax copy)	
11/15/2018 12:06	Respondents' Motion for Summary Affirmance (Corrected fax) (Fax copy; hard copy rcv'd 11/16/18)	
11/15/2018 14:35	Respondent's Motion for Summary Affirmance	
11/19/2018 12:35	Respondents' Cross-Petition for Review	
11/21/2018 13:24	Division's Response in Opposition to Respondents' Motion for Summary Affirmance (Fax copy; hard copy rcv'd 11/23/2018)	
1/16/2019 7:29	Order	33-10602
1/30/2019 7:29	Order	33-10603
7/2/2019 14:20	Order Denying Motion for Summary Affirmance, Granting Petitions for Review, and Scheduling Briefs	33-10657
7/15/2019 15:09	Motion for Leave to Adduce Additional Evidence	
7/16/2019 12:43	Respondents Response to Respondent's Motion for Leave to Adduce Additional Evidence (fax; hard copy rec'd 7/17/2019)	
7/19/2019 14:41	Division's Reply in Support of Motion For Leave to Adduce Additional Evidence, with Exhibits (fax copy; hard copy 7/22/2019) (duplicate copy rcv'd 7/19/2019)	
8/1/2019 16:09	Division of Enforcement's Brief in Support of Its Petition for Review, with Exhibit 1 (fax copy; hard copy rcv'd 8/2/2019)	
8/21/2019 16:47	Notification from Respondent Winkelman, Alerting OS of Website Publishing Corrections (fax copy)	
8/26/2019 12:54	Notification from Respondent Seeking Clarification on Respondent's Brief Due 9/2/2019 (fax copy)	
9/3/2019 17:11	Respondents' Brief in Response to the Division's Opening Brief and in Support of Respondents' Cross-Petition for Review (fax copy; hard copy rcv'd 9/6/2019)	
10/2/2019 16:33	Division of Enforcement's Response to Respondent's Brief in Support of Cross-Petition for Review and Reply in Support of its Petition for Review (fax copy; hard copy rcv'd 10/04/2019)	
10/16/2019 17:50	(UNDER SEAL) Respondent's Reply in Support of Respondents' Cross-Petition for Review, with Exhibit 1 (fax copy; hard copy rcv'd 10/18/2019)	
10/16/2019 17:56	Respondent's Reply in Support of Respondents' Corss-Petition for Review; with Exhibit 1 (REDACTED) (fax copy; hard copy & redacted exhibit rc'vd 10/18/2019)	
3/23/2020 12:31	Joint Waiver of Paper Service	
5/26/2020 12:06	Respondents' Motion for Leave to Adduce Additional Evidence	

Record Index

as of 3/29/2023

Page 6 of 6

6/1/2020 11:12	Division's Response to Respondents' Motion for Leave to Adduce Additional Evidence	
6/4/2020 15:52	Respondents' Reply in Support of Motion for Leave to Adduce Additional Evidence	
8/14/2020 9:52	Order Extending Time to Issue Decision	33-10820
11/13/2020 10:43	Order Extending Time to Issue Decision	33-10888
2/16/2021 12:18	Order Extending Time to Issue Decision	33-10926
4/14/2021 20:07	Notice of Appearance, Benjamin J. Hanauer Esq., on behalf of the Division	
4/16/2021 15:43	Supplemental Notice of Appearance, David F. Benson, on behalf of the Division	
6/21/2021 11:51	Order Extending Time to Issue Decision	33-10939
7/19/2021 15:00	Order Extending Time to Issue Decision	33-10957
8/18/2021 12:02	Order Extending Time to Issue Decision	33-10964
9/17/2021 15:38	Order Extending Time to Issue Decision	33-10982
9/24/2021 14:43	Order Extending Time to Issue Decision	33-10988
10/1/2021 16:41	Order Extending Time to Issue Decision	33-10996
11/1/2021 14:34	Order Extending Time to Issue Decision	33-11003
1/31/2022 13:59	Order Extending Time to Issue Decision	33-11026
5/2/2022 11:15	Order Extending Time to Issue Decision	33-11058
8/1/2022 12:31	Order Extending Time to Issue Decision	33-11087
10/31/2022 15:02	Order Extending Time to Issue Decision	33-11128
1/30/2023 11:03	Order Extending Time to Issue Decision	33-11152