

UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No.1018 / November 4, 2013

ADMINISTRATIVE PROCEEDING  
File No. 3-15413

In the Matter of  
  
RICHARD D. HICKS

ORDER POSTPONING PREHEARING  
CONFERENCE

The Securities and Exchange Commission (Commission) issued a Corrected Order Instituting Administrative and Cease-and-Desist Proceedings 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. At a second prehearing conference on September 25, 2013, Hicks and the Division of Enforcement (Division) represented that Hicks has agreed to settle the allegations and the Division has agreed to recommend his Offer of Settlement to the Commission upon receipt and review of additional material. The Division anticipates sending Hicks's signed Offer of Settlement to the Commission with a positive recommendation. Out of an abundance of caution, I ordered a telephonic prehearing conference on November 15, 2013.

On November 1, 2013, the Division filed a Motion to Postpone November 15, 2013 Pre-Hearing Conference (Motion). The Division wants to revise the terms of the Offer of Settlement because around September 26, 2013, a grand jury charged Hicks in connection with the fraudulent offer and sale of securities in Texas v. Hicks, Case No. 241-1208-13, 241st District Court of Smith County, Texas ((26990120-FI) Article 581-29C, Control # 13-04475. The Motion requests postponement of the prehearing conference pending resolution of Hicks's criminal proceeding.

**Order**

I POSTPONE the telephonic prehearing conference to Friday, December 6, 2013, at 2:00 p.m. EST. The Division will notify my Office if it appears the Office of the Secretary will receive Hicks's Offer of Settlement before that date.

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Brenda P. Murray  
Chief Administrative Law Judge