

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1065/November 22, 2013

ADMINISTRATIVE PROCEEDING
File No. 3-15548

In the Matter of

PHILIP MARK CAIN

ORDER

The Securities and Exchange Commission (Commission) issued an Order Instituting Administrative Proceedings on October 1, 2013, alleging that on December 14, 2011, Philip Mark Cain (Cain) pled guilty in United States v. Cain, 4:11-cr-1105 (D. Ariz.) to one count each of mail fraud in violation of 18 U.S.C. § 1341, engaging in an illegal monetary transaction greater than \$10,000 in violation of 18 U.S.C. § 1957, and structuring transactions to evade currency reporting requirements in violation of 31 U.S.C. §§ 5324(a)(3) and (d)(2); and that on March 15, 2012, Cain was sentenced to fifty-one months in prison followed by five years of supervised release, and ordered to pay over \$1.2 million in restitution. On October 28, 2013, I scheduled a telephonic prehearing conference for November 25, 2013.

On November 21, 2013, I received the Division of Enforcement's (Division) Motion for Postponement of Prehearing Conference (Motion). The Motion requested rescheduling of the November 25, 2013, prehearing conference to December 17, 2013, and represented that the Division recently received a signed offer of settlement from Cain, but has not yet been able to confer with Cain about whether he consents to the Division's filing of a joint motion for a stay under Commission Rule of Practice 161(c)(2).

For good cause shown, I GRANT the Motion and POSTPONE the telephonic prehearing conference to December 17, 2013, at 2:00 p.m. EST. The Division will have until December 10, 2013, to file a joint motion for a stay under Rule 161(c)(2).

Cameron Elliot
Administrative Law Judge