

UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION  
Washington, DC 20549

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 836/September 4, 2013

ADMINISTRATIVE PROCEEDING  
File No. 3-15003

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In the Matter of

DANIEL BOGAR, :  
BERNERD E. YOUNG, and : ORDER  
JASON T. GREEN :

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Under consideration is Bernerd E. Young's (Young) Motion to Correct Manifest Error of Fact (Motion), filed pursuant to 17 C.F.R. § 201.111(h), as to the Initial Decision (ID) in this matter.

**BACKGROUND**

The Securities and Exchange Commission's (Commission) August 31, 2012, Order Instituting Proceedings alleged that Young violated the antifraud provisions of the federal securities laws. The ID concluded that he violated the antifraud provisions and ordered various sanctions. Daniel Bogar, Initial Decision No. 502 (A.L.J. Aug. 2, 2013).

**MOTION TO CORRECT**

The Motion has been considered in light of the limited purpose of 17 C.F.R. § 201.111(h) – to correct “a patent misstatement of fact.” The Commission has stated, “[M]otions to correct manifest error are properly filed under this Rule only if they contest a patent misstatement of fact in the initial decision. Motions purporting to contest the substantive merits of the initial decision will be treated as a petition for review [by the Commission, pursuant to 17 C.F.R. § 201.410].” 70 Fed. Reg. 72566, 72567 (Dec. 5, 2005).

The Motion points out an erroneous date referenced in the ID. Accordingly, the first full sentence on page 19 of the ID is corrected as follows: Young learned about the hole in the portfolio on Tuesday Monday, February 17 16, 2009. Tr. 3247-48.

The Motion disputes several additional findings of fact and conclusions drawn from them. However, rather than pointing to instances of “a patent misstatement of fact,” it urges different findings to be drawn from the evidence – that is, arguments that are more properly made before the Commission in a petition for review. Accordingly, the Motion is otherwise denied.

IT IS SO ORDERED.

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Carol Fox Foelak  
Administrative Law Judge