

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 865/September 12, 2013

ADMINISTRATIVE PROCEEDING
File No. 3-15413

In the Matter of

RICHARD D. HICKS

ORDER FOLLOWING PREHEARING
CONFERENCE

The Securities and Exchange Commission (Commission) issued a Corrected Order Instituting Administrative and Cease-and-Desist Proceedings (OIP) 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 (Securities Act), 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 (Advisers Act). Hicks, who appears pro se, was personally served on August 31, 2013, and filed an Answer to the OIP on September 9, 2013. At a telephonic prehearing conference on September 11, 2013, the parties requested time to engage in settlement negotiations. I agreed to hold a second telephonic prehearing conference on September 25, 2013, at 2:00 p.m. EDT. If the parties have not reached an agreement in principle by September 25, 2013, the following procedural schedule will take effect:

October 9, 2013:	Division of Enforcement (Division) will provide Hicks with the names of its witnesses, including any experts, and copies of exhibits;
October 16, 2013:	Hicks will provide the Division with the same information;
October 23, 2013:	Filing of expert testimony and prehearing briefs; and
November 4, 2013:	Hearing beginning November 4, 2013, at 9:30 a.m. EST in Washington, D.C. 20549.

I consider Hicks's request for time for settlement negotiations to be a waiver of his right under Section 8A of the Securities Act, Section 21C of the Exchange Act, and Section 203(k) of the Advisers Act for a hearing in a cease-and-desist proceeding no later than sixty days after service of the OIP.

Brenda P. Murray, Chief Administrative Law Judge