

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 929 / September 30, 2013

ADMINISTRATIVE PROCEEDING
File No. 3-15413

In the Matter of

RICHARD D. HICKS

ORDER FOLLOWING SECOND PRE-
HEARING 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, 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. Hicks filed an Answer to the OIP on September 9, 2013. We held prehearing conferences on September 11 and September 25, 2013. At the second prehearing conference, Hicks and the Division of Enforcement (Division) represented that Hicks had agreed to settle the allegations and that the Division had agreed to recommend his Offer of Settlement to the Commission on condition that Hicks submit additional information to the Division by October 1, 2013. Following receipt and review of that material, the Division anticipated sending Hicks's signed Offer of Settlement to the Commission with a positive recommendation.

Out of an abundance of caution, I ORDER a telephonic conference on November 15, 2013, at 2:00 p.m. EST. The prehearing conference will not be held if the Office of the Secretary has received Hicks's Offer of Settlement by November 15, 2013.

Brenda P. Murray
Chief Administrative Law Judge