

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

Administrative Proceedings Rulings
Release No. 5430 / January 2, 2018

Administrative Proceeding
File No. 3-18276

In the Matter of

**Patric Ken Baccam a/k/a Khanh
Sengpraseuth**

**Order Finding
Respondent in Default**

The Securities and Exchange Commission instituted this proceeding in November 2017. After Respondent failed to answer the order instituting proceedings (OIP) or attend a prehearing conference, I ordered him to show cause by December 29, 2017, why he should not be found in default. *Patric Ken Baccam*, Admin Proc. Rulings Release No. 5406, 2017 SEC LEXIS 4148, at *1 (ALJ Dec. 19, 2017).

Respondent has not answered the order to show cause. Given Respondent's failure to answer the OIP, attend the prehearing conference, or respond to the order to show cause, he is in DEFAULT. *See* 17 C.F.R. §§ 201.155(a)(1)–(2), .220(f), .221(f); OIP at 3. Under Rule of Practice 155(a), I will deem as true the allegations in the OIP. 17 C.F.R. § 201.155(a).

Based on its representations regarding scheduling conflicts, the Division of Enforcement is granted leave to file a motion for sanctions according to the following extended briefing schedule. *See* 17 C.F.R. §§ 201.154(b), .161(a). The Division's motion for sanctions is due January 30, 2018. The Division's motion should include (1) a discussion of the relevant facts with citations to supporting evidence or documents; (2) a discussion of the relevant law addressing, among any other issues, whether the legal basis for this action is satisfied; and (3) whether and what sanctions are in the public interest. Supporting evidence must be sufficient for the required analysis. *See, e.g., Gary L. McDuff*, Securities Exchange Act of 1934 Release No. 74803, 2015 WL 1873119, at *2–3 (Apr. 23, 2015); *Ross Mandell*, Exchange Act Release No. 71668, 2014 WL 907416, at *2 (Mar. 7, 2014), *vacated in part*, Exchange

Act Release No. 77935, 2016 WL 3030883 (May 26, 2016). Any opposition is due February 20, 2018. The Division's reply is due February 27, 2018.

In addition to the required filing with the Office of the Secretary, the parties should email an electronic courtesy copy of all filings to alj@sec.gov in PDF text-searchable format. Exhibits should be sent as separate attachments, not a combined PDF.

On adjudicating the Division's motion, I will resolve whether a hearing is necessary. *See* 17 C.F.R. § 201.360(a)(2)(i)(C). As such, the deadline for issuing an initial decision has not begun to run. *See id.*

Respondent may move under Rule of Practice 155(b) to set aside the default in this case. Rule 155(b) provides that:

A motion to set aside a default shall be made within a reasonable time, state the reasons for the failure to appear or defend, and specify the nature of the proposed defense in the proceeding. In order to prevent injustice and on such conditions as may be appropriate, the hearing officer, at any time prior to the filing of the initial decision, or the Commission, at any time, may for good cause shown set aside a default.

17 C.F.R. § 201.155(b).

James E. Grimes
Administrative Law Judge