

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

Administrative Proceedings Rulings
Release No. 5657 / March 23, 2018

Administrative Proceeding
File No. 3-17716

In the Matter of

**Robert L. Baker,
Jacob B. Herrera,
Michael D. Bowen, and
Terrence A. Ballard**

**Order Lifting Partial Stay,
Allowing the Submission of
New Evidence, and Directing
the Parties to Hold a
Prehearing Conference**

On March 22, 2018, the Securities and Exchange Commission issued an order accepting the settlement offers of Robert L. Baker, Jacob B. Herrera, and Michael D. Bowen and ordering additional proceedings. *Robert L. Baker*, Securities Act of 1933 Release No. 10471, 2018 SEC LEXIS 763. In light of its finding that the settling Respondents violated Sections 5(a) and 5(c) of the Securities Act and Section 15(a) of the Securities Exchange Act of 1934, the Commission imposed cease-and-desist orders, full collateral bars, and civil penalties against them. *Id.* at *12-14. Before me now is the matter of whether the settling Respondents must pay disgorgement and prejudgment interest. Accordingly, I lift the partial stay in this proceeding. *See Robert L. Baker*, Admin. Proc. Rulings Release No. 4799, 2017 SEC LEXIS 1423 (ALJ May 16, 2017).¹

I previously informed the parties of the Commission's November 30, 2017, order ratifying the appointment of its administrative law judges and

¹ The proceeding was never stayed as to Terrence A. Ballard, whom I found in default. *Robert L. Baker*, Admin. Proc. Rulings Release No. 4652, 2017 SEC LEXIS 659 (ALJ Mar. 3, 2017). And unlike the other Respondents, Ballard has not partially settled with the Commission. I will decide Ballard's case after I have gathered evidence pertaining to the settling Respondents, as I expect substantial factual overlap.

allowing the submission of new evidence to assist in my reconsideration of the record and my determination whether to revise or ratify prior actions taken in the proceeding. *See Pending Admin. Proc.*, Securities Act Release No. 10440, 2017 SEC LEXIS 3724. At the time, I stayed the deadlines for the submission of new evidence by the settling Respondents because of the partial stay in the proceeding, but now that I am lifting the stay, I direct the settling Respondents and the Division of Enforcement to file any new evidence they consider relevant to my reexamination of the record by April 20, 2018. Any party that submits evidence must also file a brief explaining the relevance of its new evidence and how it relates to an action I have taken in this proceeding. Any responsive or opposition brief is due May 4, 2018.

I also direct the parties to hold an initial prehearing conference without the hearing officer to discuss each numbered item in Rule of Practice 221(c), 17 C.F.R. § 201.221(c). By May 4, 2018, they shall file a joint prehearing conference statement reflecting the results of their conference. That statement must: (1) address each numbered item in Rule of Practice 221(c), and include proposed due dates where applicable (the parties may denote that an item is “not applicable” in their filing); (2) propose a procedural schedule; and (3) address the date(s), potential location, and length of any hearing.

Based on the prehearing statement, a subsequent prehearing conference with my participation will be scheduled if appropriate. If the parties are unable to hold a prehearing conference within the time provided, the Division shall promptly notify my office.

Jason S. Patil
Administrative Law Judge