

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934

Release No. 68277 / November 20, 2012

Admin. Proc. File No. 3-14390

In the Matter of

RICHARD L. GOBLE

ORDER DIRECTING THE FILING OF ADDITIONAL BRIEFS

Richard L. Goble, the founder of North American Clearing, Inc., formerly a broker-dealer registered with the Commission,¹ appeals from an initial decision of an administrative law judge.² Under Exchange Act §§ 15(b)(4)(C) and 15(b)(6)(A)(iii), the Commission may impose sanctions on a person who is permanently enjoined "from engaging in any conduct or practice in connection with [activities as a broker-dealer]" and "in connection with the purchase and sale of securities."³ The law judge found that Goble was enjoined by a federal district court from violating the antifraud, customer protection, and books-and-records provisions of the federal securities laws, as well as from obtaining or seeking to obtain a securities license. On this basis, and on consideration of the public interest, the law judge barred Goble from associating with any broker, dealer, investment adviser, transfer agent, municipal securities dealer, or nationally recognized statistical rating organization.⁴

On May 29, 2012, while Goble's appeal to the Commission was pending, the United States Court of Appeals for the Eleventh Circuit issued an opinion vacating the injunction the district court had imposed on Goble.⁵ Since the injunction that served as the basis for the Commission's OIP has

¹ In addition to being North American's founder, Goble was the sole trustee of the trust that owned 100 percent of the shares of the firm.

² *Richard L. Goble*, Initial Decision Release No. 435, 2011 WL 6226024 (Oct. 5, 2011).

³ 15 U.S.C. §§ 78o(b)(4)(C) and 78o(b)(6)(A)(iii), respectively.

⁴ The law judge did not bar Goble from association with a municipal advisor, as the Division of Enforcement sought.

⁵ The Eleventh Circuit affirmed the district court's findings that Goble had violated the customer protection and books and records provisions of the federal securities laws, but reversed the district court's finding that he had violated the antifraud provisions. The Eleventh Circuit remanded the case to the district court to reconsider the appropriateness of the lifetime bar from the securities business it imposed on Goble, and also to re-write the injunctions against violations

(continued...)

now been vacated, the Commission would benefit from additional briefing on the question of whether the Commission should dismiss the proceeding against Goble. The parties should specifically address whether the Commission is able to consider the application for review of the initial decision given the fact that the injunction on which it was based is no longer in effect.

Accordingly, it is ORDERED that the parties are requested to file additional briefs regarding whether the proceeding against Richard L. Goble should be dismissed, in light of the United States Court of Appeals for the Eleventh Circuit's decision vacating the district court injunction that served as the basis for the Commission's proceeding against Goble. Any such brief shall be filed within fourteen calendar days from the date of service of this order and shall not exceed 5,000 words.

For the Commission by the Office of the General Counsel, pursuant to delegated authority.

Elizabeth M. Murphy
Secretary

(...continued)

of the customer protection and books-and-records provisions in a way "that allows Goble to understand his obligations under the injunction." *SEC v. Goble*, 682 F.3d 934, 952-53 (11th Cir. 2012).