

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 639/February 7, 2008

ADMINISTRATIVE PROCEEDING
File No. 3-12834

In the Matter of	:	
	:	ORDER DENYING MOTION TO
C.R. WILLIAMS, INC., AND	:	CORRECT MANIFEST ERRORS OF FACT
Charles Russell Williams II	:	

I issued an Initial Decision in this proceeding on January 18, 2008. On January 31, 2008, C. Russell Williams (Williams) sent me, by facsimile, a "MOTION TO CORRECT A MANIFEST ERROR OF FACT Contained in the Initial Decision" (Motion). The one-page Motion contends that the Initial Decision is in error, presumably in finding that C.R. Williams, Inc. (CRW), committed books and records violations, because Williams has computer files of client invoices and paper files of the firm's checking account, and that, during the last examination, Williams gave the examiners what he considers proof that he had a cash receipts ledger and a cash disbursements ledger.

The Division of Enforcement (Division) filed its Opposition to Respondents' Motion to Correct Manifest Errors of Fact (Opposition) on February 5, 2008. The Division maintains that the Motion should be denied for multiple reasons:

1. Respondents admitted in their Answer that from at least June 2003 through February 2006, CRW failed to make and keep adequate books and records in response to an allegation that CRW did not keep, among other things, cash receipt journals and disbursement records. See Answer at page 3; OIP at page 3.
2. Respondents failed to file an opposition to the Division's Motion for Summary Disposition and thus, pursuant to Rule 155 of the Commission's Rules of Practice, they are in default for failing to respond to a dispositive motion.
3. The Motion does not on its merits meet the standard for a manifest error; "[a]n error that is plain and indisputable, and that amounts to a complete disregard of the controlling law or credible evidence in the record." Black's Law Dictionary 563 (7th ed. 1999).

4. The contentions in the Motion are contrary to the credible evidence in the record.

Ruling

Rule 111 of the Commission's Rules of Practice specifies that a motion to correct a manifest error of fact must be filed within ten days of the Initial Decision and provides that such a motion is properly filed only if the basis for the motion is a patent misstatement of fact. A patent misstatement is something that is "readily visible or intelligible: obvious." Merriam-Webster's Collegiate Dictionary, 849 (10th ed. 2001).

I DENY the MOTION because it does not refer to any patent misstatement of fact, and the Division's Opposition is correct in all respects.

Brenda P. Murray
Chief Administrative Law Judge