

ADMINISTRATIVE PROCEEDING  
FILE NO. 3-11346

SECURITIES & EXCHANGE COMMISSION  
MAILED FOR SERVICE

UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION  
July 27, 2004

JUL 27 2004

FIRST CLASS

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In the Matter of :  
:  
STEVEN E. MUTH, : ORDER ON MOTION  
RICHARD J. ROUSE, :  
and BRUCE J. BATES :  
:  
:

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The Securities and Exchange Commission (“Commission”) initiated this proceeding pursuant to Section 8A of the Securities Act of 1933 and Sections 15(b) and 21C of the Securities Exchange Act of 1934, on November 26, 2003. I conducted a public hearing from June 1 through June 4, 2004, at the Byron White Courthouse in Denver, Colorado. The Division of Enforcement (“Division”) filed its Initial Brief on July 2, 2004, Respondents’ Initial Briefs are due on August 23, 2004, and the Division’s Reply Brief is due September 9, 2004. Respondents appear *pro se*. The Commission has directed that an Initial Decision be issued by October 12, 2004.

At the conclusion of the hearing on June 4, Respondent Rouse requested permission to file a late exhibit as to his current financial status in view of the Division’s expressed intent to seek a monetary penalty. I directed Respondent Rouse to file the form(s) that the Division indicated were appropriate within two weeks from the close of the hearing.<sup>1</sup> (June 4, 2004, Tr. 897-901.) On July 19, 2004, Respondent Rouse filed eight pages of questions and answers headed “United States Securities and Exchange Commission Statement of Financial Condition of Richard J. Rouse.” Respondent Rouse stated that the filing was more than six weeks late because he was under the impression that he “was to work solely with [Division counsel] and [his] oldest son just left to join the United States Marine Corps.”

I will consider Respondent Rouse’s filing as a motion to submit a late-filed exhibit and a request for confidential treatment under the Commission’s Rules of Practice. 17 C.F.R. §§ 201.154, .322, .630. The Commission’s Rules allow five days after service of the motion for opposing briefs. However, it is necessary to rule as soon as possible since the requests


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<sup>1</sup> Respondent Rouse had submitted a form earlier during settlement discussions. Since the Division was concerned about needing additional hearings on any new submission, I suggested that the Respondent might discuss the material with the Division before the filing.

occurred in the middle of the briefing schedule. The Division has informed my office that it does not oppose the requests.

### Order

For the reasons stated above, I GRANT Respondent Rouse's request and allow in evidence as Rouse Exhibit E an eight-page document titled, "United States Securities and Exchange Commission Statement of Financial Condition of Richard J. Rouse." For good cause shown, I FURTHER GRANT Respondent Rouse's request that his personal financial information not be disclosed publicly. I therefore ORDER that Rouse Exhibit E be afforded confidential treatment under Rules 322 and 630. 17 C.F.R. §§ 201.322, .630.

  
Brenda P. Murray  
Chief Administrative Law Judge