

**UNITED STATES OF AMERICA**  
**Before the**  
**SECURITIES AND EXCHANGE COMMISSION**  
**February 24, 2009**

**ADMINISTRATIVE PROCEEDING**  
**File No. 3-13380**

**In the Matter of**

**Alan Brian Baiocchi,**

**Respondent.**

**ORDER INSTITUTING**  
**ADMINISTRATIVE PROCEEDINGS**  
**PURSUANT TO SECTION 15(b) OF THE**  
**SECURITIES EXCHANGE ACT OF 1934,**  
**AND NOTICE OF HEARING**

**I.**

The Securities and Exchange Commission (“Commission”) deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted pursuant to Section 15(b) of the Securities Exchange Act of 1934 (“Exchange Act”) against Alan Brian Baiocchi (“Baiocchi”).

**II.**

After an investigation, the Division of Enforcement alleges that:

**A.     RESPONDENT**

1.     From 1995 to 1997, Baiocchi, age 54, was the president and operator of Intro Technology Services (“ITS”), a telemarketing boiler room based in Newport Beach, California. While engaged in the conduct underlying the indictment, Baiocchi was associated with ITS, a broker dealer, and made use of the mails and other means and instrumentalities of interstate commerce to effect transactions in, or to induce or attempt to induce the purchase or sale of, securities. Beginning in 1995, Baiocchi and his telemarketers, which included telemarketers in Newport Beach and Montreal, Canada, cold-called people around the country soliciting investments in the form of fractional undivided interests in oil and gas programs in Oklahoma. Baiocchi is currently incarcerated at the United States Penitentiary in Lompoc, California. He formerly resided in Laguna Niguel, California.

**B. RESPONDENT'S CRIMINAL CONVICTION**

1. On September 23, 2004, Baiocchi was convicted on two counts of wire fraud in violation of 18 U.S.C. § 1343 in the United States District Court for the Central District of California, in United States v. Baiocchi, Case No. 8:02-cr-00089. Baiocchi was sentenced to a prison term of 63 months to be followed by three years of supervised release. Baiocchi was also ordered to make restitution in the amount of \$3,800,000. On July 13, 2007, the Court of Appeals for the Ninth Circuit affirmed Baiocchi's conviction. United States v. Baiocchi, 2007 U.S. App. LEXIS 18494 (9th Cir. July 31, 2007).

2. The counts of the criminal indictment on which Baiocchi was convicted alleged, among other things, that Baiocchi defrauded investors and obtained money and property by means of materially false and misleading statements in connection with the fraudulent offer and sale of securities in the form of fractional undivided interests in oil and gas drilling programs.

**III.**

In view of the allegations made by the Division of Enforcement, the Commission deems it necessary and appropriate in the public interest that public administrative proceedings be instituted to determine:

A. Whether the allegations set forth in Section II are true and, in connection therewith, to afford Respondent an opportunity to establish any defenses to such allegations; and

B. What, if any, remedial action is appropriate in the public interest against Respondent pursuant to Section 15(b) of the Exchange Act.

**IV.**

IT IS ORDERED that a public hearing for the purpose of taking evidence on the questions set forth in Section III hereof shall be convened at a time and place to be fixed, and before an Administrative Law Judge to be designated by further order as provided by Rule 110 of the Commission's Rules of Practice, 17 C.F.R. § 201.110.

IT IS FURTHER ORDERED that Respondent shall file an Answer to the allegations contained in this Order within twenty (20) days after service of this Order, as provided by Rule 220 of the Commission's Rules of Practice, 17 C.F.R. § 201.220.

If Respondent fails to file the directed answer, or fails to appear at a hearing after being duly notified, the Respondent may be deemed in default and the proceedings may be determined against him upon consideration of this Order, the allegations of which may be deemed to be true as provided by Rules 155(a), 220(f), 221(f) and 310 of the Commission's Rules of Practice, 17 C.F.R. §§ 201.155(a), 201.220(f), 201.221(f) and 201.310.

This Order shall be served forthwith upon Respondent personally or by certified mail.

IT IS FURTHER ORDERED that the Administrative Law Judge shall issue an initial decision no later than 210 days from the date of service of this Order, pursuant to Rule 360(a)(2) of the Commission's Rules of Practice.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision of this matter, except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of Section 551 of the Administrative Procedure Act, it is not deemed subject to the provisions of Section 553 delaying the effective date of any final Commission action.

By the Commission.

Elizabeth M. Murphy  
Secretary