

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

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 674/ May 20, 2011

ADMINISTRATIVE PROCEEDING  
File No. 3-13871

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In the Matter of	:	
	:	ORDER DENYING MOTION TO
RONALD S. BLOOMFIELD,	:	CORRECT MANIFEST ERRORS OF
ROBERT GORGIA,	:	FACT
VICTOR LABI,	:	
JOHN EARL MARTIN, SR., and	:	
EUGENE MILLER	:	
	:	

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I issued a Corrected Initial Decision (Decision) on April 26, 2011. On May 6, 2011, Robert Gorgia (Gorgia) filed a Motion to Correct Initial Decision (Motion). On May 17, 2011, the Division of Enforcement filed a Memorandum of Law in Opposition to Gorgia's Motion.

**Ruling**

The Motion cites twenty-three instances where Gorgia takes exception to the Decision's Findings of Fact and eleven instances where he takes exception to facts which are in the Decision's Conclusions of Law.

Rule 111(h) of the Securities and Exchange Commission's Rules of Practice states that a motion to correct is proper 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). None of Gorgia's exceptions are valid because none are "patent misstatements of fact."

Specifically, factual exceptions 1, 3, 7, 8, 21, 22, and 34, dispute certain statements with respect to time frames. The Order Instituting Proceedings (OIP) defined the relevant period as from April 2005 through mid-2007. OIP at 3. Gorgia's period of employment at Leeb, within the relevant period, is explicitly stated. Decision at 12. Thus, the Decision only considered Gorgia's illegal conduct during his employment. The remaining exceptions are a collection of Gorgia's criticisms of the conclusions I reached, additional arguments, and comments. All of these are

arguments which would be appropriate in a petition for review under Rule 360 of the Commission's Rules of Practice, but do not satisfy Rule 111(h).

**Order**

I DENY the Motion to Correct Initial Decision because it does not show any patent misstatement of fact in the Corrected Initial Decision.

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Brenda P. Murray  
Chief Administrative Law Judge