

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 2758/June 3, 2015

ADMINISTRATIVE PROCEEDING
File No. 3-16383

In the Matter of

CHARLES L. HILL, JR.

ORDER GRANTING REQUEST FOR
OFFICIAL NOTICE

On May 21, 2015, the Division filed a Request for Official Notice, attaching the Declaration of Jerome DeWitt and two exhibits. The Request asks that I take official notice pursuant to Commission Rule of Practice 323 (1) of the publicly reported stock prices of Radiant Systems, Inc., attached as Exhibit A to the Declaration; (2) of the one-page calendar showing the days of the week for each month in 2011, attached as Exhibit 2; and (3) that Monday, May 30, 2011, was Memorial Day. Request at 1-2. Mr. Hill did not file an Opposition.

Rule 323, 17 C.F.R. § 201.323, permits official notice of “any material fact which might be judicially noticed by a district court of the United States, any matter in the public official records of the Commission, or any matter which is peculiarly within the knowledge of the Commission as an expert body.” Federal Rule of Evidence 201 permits courts to “judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b).

As the Division notes, judicial notice of historical stock prices pursuant to Rule of Evidence 201(b) is well established. Request at 3; *see, e.g., Lanfear v. Home Depot, Inc.*, 679 F.3d 1267, 1282 n.17 (11th Cir. 2012); *La Grasta v. First Union Sec., Inc.*, 358 F.3d 840, 842 (11th Cir. 2004). Historical stock prices can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. The DeWitt Declaration states that Exhibit A is “a true and correct copy of a printout of historical stock index” obtained from a Bloomberg Terminal, which shows the daily value of Radiant stock from January 2, 2001, until August 24, 2011. Decl. ¶ 3. DeWitt, an investigations case analyst with the Commission, regularly uses Bloomberg, has found the service to be accurate, and believes that Bloomberg is widely used within the securities industry to obtain historical prices for stocks. Decl. ¶¶ 2, 4-5. The Division also notes that courts also often take judicial notice of calendars, days of the week, and holidays. Request at 4-5.

I GRANT the Division's Request for Official Notice and take official notice pursuant to Rule 323, 17 C.F.R. § 201.323, of the information contained in Exhibit A and Exhibit 2, and the fact that Monday, May 30, 2011, was Memorial Day.

James E. Grimes
Administrative Law Judge