

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 647/ December 29, 2008

ADMINISTRATIVE PROCEEDING
File No. 3-12943

In the Matter of	:	
	:	ORDER ON RESPONDENT RODNEY R.
THOMAS J. DUDCHIK and	:	SCHOEMANN'S MOTION TO CORRECT
RODNEY R. SCHOEMANN	:	MANIFEST ERRORS OF FACT

The Securities and Exchange Commission (Commission) issued its Order Instituting Cease-and-Desist Proceedings Pursuant to Section 8A of the Securities Act of 1933 (Securities Act) on January 30, 2008. On December 5, 2008, I issued an Initial Decision ordering Respondents, Thomas J. Dudchik (Dudchik) and Rodney R. Schoemann (Schoemann), to cease-and-desist from violating Sections 5(a) and 5(c) of the Securities Act. Initial Decision Rel. No. 363. I also ordered Dudchik to pay disgorgement and prejudgment interest in the amount of \$50,000, and I ordered Schoemann to disgorge \$967,901 plus prejudgment interest as calculated by and in accordance with Rule 600 of the Commission's Rules of Practice. *Id.* On December 15, 2008, Schoemann submitted a Motion to Correct Manifest Errors of Fact (Motion) pursuant to 17 C.F.R. § 201.111(h). Schoemann identified four purported manifest errors of fact in the Initial Decision. The Division of Enforcement (Division) did not file an opposition to the Motion.

A motion to correct a manifest error of fact in an initial decision is correctly made "only if the basis for the motion is a patent misstatement of fact in the initial decision." 17 C.F.R. § 201.111(h). To support changing a factual finding in an initial decision, Schoemann must show that the patent misstatement is something that is "readily visible or intelligible: obvious." MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY 849 (10th ed. 2001).

Fact 1

Schoemann contends that the statement, "Upon completion of the merger, Murrell received his \$75,000 fee and 220,000 Stinger shares," on page six of the Initial Decision, is incorrect. Citing to his Exhibit 54, Schoemann explains that Murrell actually received payment, of the fee, through his consulting business, on September 9, 2004, prior to the completion of the merger on September 23, 2004. Schoemann's contention is correct, and the Findings of Fact should reflect that Doug Murrell (Murrell) received his consulting fee of \$75,000 on September 9, 2004.

Facts 2-4

Citing to Division Exhibit 20, Schoemann contends that UCC issued ten million shares to Matt Murrell (Matt) on March 14, 2000, rather than March 14, 2004, as indicated on page fifteen of the Initial Decision. Schoemann's contention is correct, and the Findings of Fact should reflect that UCC issued ten million shares to Matt on March 14, 2000. Schoemann indicates that making that correction will make a following statement, that Matt's receipt of the ten million shares was "about three weeks before Murrell was issued his shares," correct. This is true as UCC issued Murrell 750,000 shares on April 4, 2000. Lastly, citing Division Exhibit 5, Schoemann contends that the sentence following the previous two also contains an incorrect date in that Matt became the sole officer and director of UCC on May 1, 2000, not May 1, 2004. This contention is also correct, and the Findings of Fact should reflect that Matt became the sole officer and director of UCC on May 1, 2000.

For the foregoing reasons, the Motion is GRANTED, however, the analysis and conclusions of the Initial Decision are unaffected by these corrections to the Findings of Fact.

SO ORDERED.

Robert G. Mahony
Administrative Law Judge