

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 98914 / November 13, 2023

ADMINISTRATIVE PROCEEDING
File No. 3-21610

In the Matter of :
: **Fluor Corporation,** :
: :
Respondent. :

EXTENSION ORDER

ADMINISTRATIVE PROCEEDING
File No. 3-21612

In the Matter of :
: :
Jon Eric Best, :
: :
Respondent. :

ADMINISTRATIVE PROCEEDING
File No. 3-21613

In the Matter of :
: :
James F. Brittain, :
: :
Respondent. :

ADMINISTRATIVE PROCEEDING
File No. 3-21614

In the Matter of :
: :
Robin K. Chopra, CA, :
: :
Respondent. :

ADMINISTRATIVE PROCEEDING
File No. 3-21615

In the Matter of :
: **Bradley R. Scott,** :
: :
: **Respondent.** :

ADMINISTRATIVE PROCEEDING
File No. 3-21616

In the Matter of :
: :
: **Kent N. Smith,** :
: :
: **Respondent.** :

The Division of Enforcement (“Division”) has requested an extension of time until August 30, 2024, to submit a Proposed Plan of Distribution under Rule 1101(a) of the Commission’s Rules on Fair Fund and Disgorgement Plans, 17 C.F.R. § 201.1101(a).

On September 6, 2023, the Commission issued six separate, but related settled orders (collectively, the “Orders”) against Fluor Corporation (“Fluor”),¹ Jon Eric Best (“Best”),² James F. Brittain (“Brittain”),³ Robin K. Chopra, CA (“Chopra”),⁴ Bradley R. Scott (“Scott”),⁵ and

¹ Order Instituting Cease-and-Desist Proceedings, Pursuant to Section 21C of the Securities Exchange Act of 1934, Making Findings, and Imposing a Cease-and-Desist Order, Exchange Act Rel. No. 98292 (Sept. 6, 2023) (Admin. Proc. File No. 3-21610).

² Order Instituting Cease-and-Desist Proceedings, Pursuant to Section 21C of the Securities Exchange Act of 1934, Making Findings, and Imposing a Cease-and-Desist Order, Exchange Act Rel. No. 98293 (Sept. 6, 2023) (Admin. Proc. File No. 3-21612).

³ Order Instituting Cease-and-Desist Proceedings, Pursuant to Section 21C of the Securities Exchange Act of 1934, Making Findings, and Imposing a Cease-and-Desist Order, Exchange Act Rel. No. 98294 (Sept. 6, 2023) (Admin. Proc. File No. 3-21613).

⁴ Order Instituting Cease-and-Desist Proceedings, Pursuant to Section 21C of the Securities Exchange Act of 1934, Making Findings, and Imposing a Cease-and-Desist Order, Exchange Act Rel. No. 98295 (Sept. 6, 2023) (Admin. Proc. File No. 3-21614).

⁵ Order Instituting Cease-and-Desist Proceedings, Pursuant to Section 21C of the Securities Exchange Act of 1934, Making Findings, and Imposing a Cease-and-Desist Order, Exchange Act Rel. No. 98296 (Sept. 6, 2023) (Admin. Proc. File No. 3-21615).

Kent N. Smith (“Smith”)⁶ (collectively, the “Respondents”). In the Orders, the Commission found that Fluor and five former and current officers and employees improperly accounted for two large-scale, fixed-price construction projects. Fluor bid on these projects, relying on overly optimistic cost and timing estimates. Following each project's contract award, Fluor experienced cost overruns that worsened over time. Yet, Fluor failed to maintain a system of internal accounting controls sufficient to account for these contracts in accordance with U.S. Generally Accepted Accounting Principles (GAAP). These failings resulted in inaccurate books and records and ultimately in materially misstated financial statements included in periodic reports filed with the Commission.

In their respective Orders, the Commission ordered Fluor to pay \$14,500,000; Best to pay \$15,000; Brittain to pay \$25,000; Chopra to pay \$15,000; Scott to pay \$25,000; and Smith to pay \$20,000 in civil money penalties to the Commission, for a collective total of \$14,600,000.00. In each of the Orders, the Commission also created a Fair Fund, pursuant to Section 308(a) of the Sarbanes-Oxley Act of 2002, so the penalties collected can be distributed to harmed investors. In the Order against Fluor, the Commission ordered that the Fair Fund created may be combined with or receive funds from proceedings arising out of the same conduct that is the subject of the order; and in each of the other Orders, the Commission ordered that the Fair Fund created may be combined with the Fair Fund created in the Order against Fluor.

Respondents have substantially paid in full.⁷ In accordance with the Orders, the \$14,599,980.00 collected from the Respondents has been combined (collectively, the “Fair Fund”) and deposited in a Commission-designated account at the U.S. Department of the

⁶ Order Instituting Cease-and-Desist Proceedings, Pursuant to Section 21C of the Securities Exchange Act of 1934, Making Findings, and Imposing a Cease-and-Desist Order, Exchange Act Rel. No. 98297 (Sept. 6, 2023) (Admin. Proc. File No. 3-21616).

⁷ All Respondents have paid in full except for Chopra, who has paid \$14,980 of the \$15,000 ordered.

Treasury for distribution to harmed investors. Any additional funds collected from the Respondents pursuant to the Orders, along with any accrued interest will be added to the Fair Fund.

In its request for an extension of time, the Division states that additional time is needed to complete the fund administrator solicitation and appointment process, develop the distribution methodology, and prepare the proposed plan of distribution.

Accordingly, for good cause shown, IT IS HEREBY ORDERED that the Division's request for an extension of time until August 30, 2024, to submit a Proposed Plan of Distribution is granted.

For the Commission, by the Division of Enforcement, pursuant to delegated authority.⁸

Vanessa A. Countryman
Secretary

⁸ 17 C.F.R. § 200.30-4(a)(21)(i).