

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**TEXAS STATE SECURITIES BOARD,
PETITIONER
v.
TEXTICOIN, MINETXC, BLOCKCHAIN MINT,
AND ROBERT J. GRAY
RESPONDENTS**

**INSTRUCTIONS FOR REPLY BRIEFS, JOINT STIPULATIONS OF
UNDISPUTED FACTS, AND REVISED POST-HEARING SCHEDULE**

On October 9, 2026, Petitioner and Respondents filed initial post-hearing briefs of 115 and 86 pages. Both briefs restate the same background facts, testimony, and record citations in several places. Much of that factual material is not disputed, and the remaining issues are mainly legal. To focus the remaining briefing on the parties' arguments, the Administrative Law Judge orders the following.

A. Reply Briefs

Reply briefs remain **due October 23, 2026**, and must comply with the following:¹

1. **Scope.** A reply brief may address only the arguments in the opposing party's initial brief. Do not restate the background, procedural history, witness summaries, or evidence summaries from your initial brief. Where a point was already made, cite your initial brief by page.
2. **Length.** A reply brief may not exceed 35 pages, excluding the caption, table of contents, signature block, and certificate of service.
3. **Record citations.** Every factual statement must cite the admitted record by exhibit and page, or by transcript volume, page, and line.

Specific Issues to Address in the Reply Briefs: Each party must answer the following questions in its reply brief, with citations to supporting authority or record evidence.

1. **Refund authority.** Is an order affirming or modifying an emergency order under section 4007.104(e) of the Texas Securities Act (Act) an “enforcement order” within the meaning of section 4007.108(a)? Identify any prior order of the Securities Commissioner requiring refunds in a proceeding under section 4007.104.
2. **Refund measure and scope.** The Notice of Hearing sought refunds equal to each investor's principal investment less returns or profits paid, for purchases on or after September 1, 2019. Staff's initial brief seeks the full amount paid and does not address the September 1, 2019 start date. Staff must explain the change in the measure and whether the Notice of Hearing gave Respondents adequate notice of it. Both

¹ The parties may file an agreed request to extend the reply briefs deadline if they need more time.

parties must identify the record evidence of the amounts purchasers paid and address the period any refund would cover.

3. **Elements of fraud by omission.** In a proceeding under section 4007.104, what must Staff prove to establish an “intentional failure to disclose a material fact” under section 4001.058(a)(3) of the Act? Address whether a duty to disclose, reliance, and injury are required, and what intent must be shown.
4. **Modified fraud theories.** Staff’s initial brief proposes modifying Findings of Fact 29, 30, and 31, and argues in Section XI that purchasers were not told that the names used in the offering were all Mr. Gray. Staff must explain how each proposed modification and the Section XI theory fall within the allegations of the Emergency Order and the Notice of Hearing, and identify which finding the Section XI theory supports. Respondents must identify any prejudice, if any, from the proposed modifications.
5. **Timing of public harm.** Should immediate and irreparable public harm be measured as of the date the Emergency Order issued or as of the hearing? Address the effect, if any, of sales of Mining Packages stopping after the Emergency Order issued.
6. **Federal guidance.** Respondents rely on the U.S. Securities and Exchange Commission’s guidance, Application of the Federal Securities Laws to Certain Types of Crypto Assets and Certain Transactions Involving Crypto Assets, 91 Fed. Reg. 13714 (Mar. 23, 2026). Staff’s initial brief does not address it. What weight, if any, should that guidance receive in applying the Texas investment-contract test, and how does it apply to purchasers who did not operate their own mining equipment?

B. Joint Stipulation of Undisputed Facts

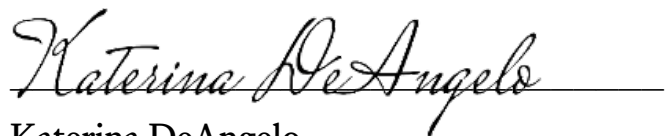
The parties must confer and file a single joint stipulation of all facts that both sides agree are established by the evidentiary record, including minor facts. Every undisputed factual matter should be included. Stipulating to a fact concedes only that it is accurate; each party may still dispute its relevance or materiality. The joint stipulation must be filed by **November 20, 2026**.

C. Record Close and Deadline to Issue Proposal for Decision

The evidentiary record will close **on November 20, 2026**, upon the filing of the joint stipulation.

Measured from that date, the 60-day period for the Proposal for Decision (PFD) ends January 19, 2027. Five state holidays on which the State Office of Administrative Hearings will be closed fall within that period: November 26 and 27, 2026; December 24 and 25, 2026; and January 1, 2027. The period is therefore extended day-for-day by five days. The extended deadline falls on Sunday, January 24, 2027, so the PFD is due the next business day, **January 25, 2027**. This Order supersedes the Order Extending Deadline to Issue Proposal for Decision signed October 8, 2026.

Signed October 19, 2026

A handwritten signature in black ink that reads "Katerina DeAngelo". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Katerina DeAngelo

Presiding Administrative Law Judge