

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 75618 / August 5, 2015

ADMINISTRATIVE PROCEEDING
File No. 3-16727

In the Matter of

DAVID J. BODEN, ESQ.,

Respondent.

**ORDER OF FORTHWITH SUSPENSION
PURSUANT TO RULE 102(e)(2) OF THE
COMMISSION'S RULES OF PRACTICE**

I.

The Securities and Exchange Commission deems it appropriate to issue an order of forthwith suspension of David J. Boden (“Boden”) pursuant to Rule 102(e)(2) of the Commission’s Rules of Practice. [17 C.F.R. § 201.102(e)(2)].¹

II.

The Commission finds that:

1. Boden is an attorney admitted to practice law in New York since 1987.
2. On October 23, 2014, pursuant to a plea agreement, Boden pled guilty in the United States District Court for the Southern District of Florida to a one-count information charging him with conspiracy to commit wire fraud, in violation of 18 U.S.C. § 371, based on his conduct described herein. *United States v. Boden*, No. 14-60229-CR-MARRA. On January 30, 2015, Boden was sentenced to 18 months imprisonment, followed by 12 months of supervised release, and the judgment of conviction was entered that same day.

¹ Rule 102(e)(2) provides in pertinent part: “Any attorney who has been suspended or disbarred by a court of the United States or of any State; ... or any person who has been convicted of a felony or a misdemeanor involving moral turpitude shall be forthwith suspended from appearing or practicing before the Commission.”

3. Boden's criminal conviction arose out his involvement in a Ponzi scheme orchestrated by disbarred Florida attorney Scott Rothstein ("Rothstein"). In February 2009, when Boden was a non-equity shareholder in Rothstein's law firm, he engaged in a conspiracy to broker the sale of Rothstein's purported settlement agreements to potential investors. Rothstein paid Boden's co-conspirator a sales commission for each investment brokered. The co-conspirator, in turn, paid a portion of that commission to Boden, whose services facilitated the transfer of funds from investors to Rothstein. In addition to the commission from Rothstein, Boden and his co-conspirator charged the investors an additional sales commission to be paid directly to the co-conspirator.

III.

In view of the foregoing, the Commission finds that Boden has been convicted of a felony within the meaning of Rule 102(e)(2) of the Commission's Rules of Practice.

Accordingly, it is ORDERED, that Boden is forthwith suspended from appearing or practicing before the Commission pursuant to Rule 102(e)(2) of the Commission's Rules of Practice.

By the Commission.

Brent J. Fields
Secretary