

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1617/July 16, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-15659

In the Matter of

THOMAS D. MELVIN, CPA

ORDER FOLLOWING
PREHEARING CONFERENCE

On March 20, 2014, the Securities and Exchange Commission (Commission) issued an Order Denying Petition to Lift Temporary Suspension and Directing Hearing (Order), pursuant to Rule 102(e)(3)(i) of the Commission's Rules of Practice. 17 C.F.R. § 201.102(e)(3)(i). Thomas D. Melvin (Melvin) received the Order on March 24, 2014.

On June 12, 2014, I ordered a public hearing to begin on June 24, 2014. Thomas D. Melvin, CPA, Admin. Proc. Rulings Release No. 1518, 2014 SEC LEXIS 2040. On June 16, 2014, the Division of Enforcement (Division) filed a Motion to Convert Hearing Date to Prehearing Conference, to Continue Hearing and for Leave to File a Motion for Summary Disposition Pursuant to Rule 250. The Division's filing contained a Motion for Summary Disposition (collectively, Motion). On June 17, 2014, I postponed the hearing and ordered a prehearing conference for July 14, 2014. Thomas D. Melvin, CPA, Admin. Proc. Rulings Release No. 1532, 2014 SEC LEXIS 2167.

Both parties participated in the prehearing conference on July 14, 2014. Melvin, through his counsel, does not contest most of the facts alleged in the OIP, but he takes issue with the sanctions sought by the Division, arguing that they are much more severe than what the Division led him to believe it would seek during the discussions that led to Melvin's consent injunction in SEC v. Melvin, No. 1:12-cv-2984 (N.D. Ga. Aug. 14, 2013).

As discussed during the prehearing conference, I GRANT the Division leave to file the Motion, ORDER Melvin to file his Opposition Brief by August 4, 2014, and the Division to file its Reply Brief, if any, by August 18, 2014.

Brenda P. Murray
Chief Administrative Law Judge