

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

Administrative Proceedings Rulings
Release No. 5625 / February 23, 2018

Administrative Proceeding
File No. 3-17342

In the Matter of

**RD Legal Capital, LLC, and
Roni Dersovitz**

Order on Ratification

On November 30, 2017, the Securities and Exchange Commission issued an order ratifying my appointment as an administrative law judge and requiring me to reconsider all procedural and substantive actions taken by an administrative law judge in this proceeding. *Pending Admin. Proc.*, Securities Act of 1933 Release No. 10440, 2017 WL 5969234, at *1-2. The parties were given the opportunity to submit new evidence and briefing that they deemed relevant to my reexamination of the record. *RD Legal Capital, LLC*, Admin. Proc. Rulings Release No. 5281, 2017 SEC LEXIS 3884 (ALJ Dec. 6, 2017).

The Division of Enforcement submitted a letter urging me to ratify the previous decisions of administrative law judges in this proceeding. Respondents filed a brief raising constitutional concerns with respect to the Appointments Clause and the dual for-cause removal restrictions on Commission administrative law judges. As to the first argument, the Commission's November 30 order, which is binding on me, "put to rest any claim" that this proceeding violates the Appointments Clause. *Pending Admin. Proc.*, 2017 WL 5969234, at *1. The second argument is also foreclosed by Commission precedent, which holds that the dual for-cause removal restrictions are constitutional regardless of whether administrative law judges are considered officers or employees. *See Timbervest, LLC*, Investment Advisers Act of 1940 Release No. 4197, 2015 WL 5472520, at *26-28 (Sept. 17, 2015), *pet. filed*, No. 15-1416 (D.C. Cir. Nov. 13, 2015). Neither party submitted new evidence.

I have reconsidered the record and I find nothing that requires revision. I therefore RATIFY all actions taken by an administrative law judge in this

proceeding before the Commission's November 30 order.¹ The process contemplated by that order is now complete.

Jason S. Patil
Administrative Law Judge

¹ My designation as the presiding administrative law judge in this proceeding has already been ratified. *Pending Admin. Proc.*, Admin. Proc. Rulings Release No. 5247, 2017 SEC LEXIS 3780 (ALJ Dec. 4, 2017).