

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 71161 / December 20, 2013

ACCOUNTING AND AUDITING ENFORCEMENT
Release No. 3521 / December 20, 2013

ADMINISTRATIVE PROCEEDING
File No. 3-15659

In the Matter of

Thomas D. Melvin, CPA

Respondent.

ORDER INSTITUTING PUBLIC
ADMINISTRATIVE PROCEEDINGS AND
IMPOSING TEMPORARY SUSPENSION
PURSUANT TO RULE 102(e)(3) OF THE
COMMISSION'S RULES OF PRACTICE

I.

The Securities and Exchange Commission (“Commission”) deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted pursuant to Rule 102(e)(3)¹ of the Commission’s Rules of Practice against Thomas D. Melvin (“Respondent” or “Melvin”).

II.

The Commission finds that:

A. RESPONDENT

1. Thomas D. Melvin, 46 years old, is and has been a certified public accountant (“CPA”) licensed to practice in the State of Georgia. He has been a partner in the accounting firm of Melvin, Rooks and Howell in Griffin, Georgia, for a number of years.

¹ Rule 102(e)(3)(i) provides, in relevant part, that:

The Commission, with due regard to the public interest and without preliminary hearing, may, by order, . . . suspend from appearing or practicing before it any . . . accountant . . . who has been by name . . . permanently enjoined by any court of competent jurisdiction, by reason of his or her misconduct in an action brought by the Commission, from violating or aiding and abetting the violation of any provision of the Federal securities laws or of the rules and regulations thereunder.

B. CIVIL INJUNCTION

2. On August 14, 2013 the U.S. District Court for the Northern District of Georgia entered a final judgment against Melvin, permanently enjoining him from future violations, direct or indirect, of Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder. Securities and Exchange Commission v. Melvin, et al., Civil Action Number 1:12-cv-2984-CAP (N.D. Ga.).

3. The Commission's complaint alleged that Melvin and others engaged in a fraudulent insider trading scheme in which Melvin misappropriated confidential information from one of his clients regarding an imminent merger involving a company of which the client was a director. The complaint alleges that Melvin tipped four friends and business associates about the merger in violation of his fiduciary duties to his clients, and then those tippees purchased shares of the target company, realizing large profits.

III.

Based upon the foregoing, the Commission finds that a court of competent jurisdiction has permanently enjoined Melvin, a CPA, from violating the Federal securities laws within the meaning of Rule 102(e)(3)(i)(A) of the Commission's Rules of Practice. In view of these findings, the Commission deems it appropriate and in the public interest that Melvin be temporarily suspended from appearing or practicing before the Commission.

IT IS HEREBY ORDERED that Melvin be, and hereby is, temporarily suspended from appearing or practicing before the Commission. This Order shall be effective upon service on the Respondent.

IT IS FURTHER ORDERED that Melvin may within thirty days after service of this Order file a petition with the Commission to lift the temporary suspension. If the Commission within thirty days after service of the Order receives no petition, the suspension shall become permanent pursuant to Rule 102(e)(3)(ii).

If a petition is received within thirty days after service of this Order, the Commission shall, within thirty days after the filing of the petition, either lift the temporary suspension, or set the matter down for hearing at a time and place to be designated by the Commission, or both. If a hearing is ordered, following the hearing, the Commission may lift the suspension, censure the petitioner, or disqualify the petitioner from appearing or practicing before the Commission for a period of time, or permanently, pursuant to Rule 102(e)(3)(iii).

This Order shall be served upon Melvin personally or by certified mail at his last known address.

By the Commission.

Elizabeth M. Murphy
Secretary