

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1242 /February 14, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-15255

In the Matter of	:	
	:	
JOHN THOMAS CAPITAL MANAGEMENT	:	ORDER
GROUP LLC, d/b/a PATRIOT28 LLC,	:	
GEORGE R. JARKESY, JR.,	:	
JOHN THOMAS FINANCIAL, INC., and	:	
ANASTASIOS "TOMMY" BELESIS	:	

The Securities and Exchange Commission (Commission) instituted this proceeding on March 22, 2013. It ended as to John Thomas Financial, Inc., and Anastasios "Tommy" Belesis (JTF/Belesis) on December 5, 2013. John Thomas Capital Mgmt. Grp. LLC, d/b/a Patriot28 LLC, Exchange Act Release No. 70989, 2013 SEC LEXIS 3862 (Dec. 5, 2013) (JTF/Belesis Settlement). After several postponements, the hearing as to the remaining Respondents, John Thomas Capital Management Group LLC d/b/a Patriot28 LLC and George R. Jarkesy, Jr. (JTCM/Jarkesy), commenced on February 3, 2014. Hearing sessions were held on February 3-7, 2014, in New York City, and are scheduled to resume there on February 24, 2014. It is expected that the hearing will be closed on or before February 28, 2014.

Under consideration are subpoenas requested by JTCM/Jarkesy by email on February 13, 2014,¹ and a brief February 13, 2014, e-mail from the Division of Enforcement (Division)² objecting to the issuance of the subpoenas.

The Division's e-mail does not rise to the level of a motion to quash or modify. However, on their face, the subpoenas directed to the Commission's Office of General Counsel (Subpoena No. 1) and Custodian of Records (Subpoena No. 2) are unreasonable within the

¹ United States Government offices, including the Commission, in the Washington, D.C., area were closed on February 13, 2014, due to inclement weather conditions.

² "Any person to whom a subpoena is directed, or who is an owner, creator or the subject of the documents that are to be produced pursuant to a subpoena, or any party may . . . request that the subpoena be quashed or modified." 17 C.F.R. § 201.232(e)(1) (emphasis added); see also Amendments to the Rules of Practice, 69 Fed. Reg. 13166, 13170 (Mar. 19, 2004).

meaning of 17 C.F.R. § 201.232(b). First, they are untimely. While no deadline was set for the submission of subpoena requests, the subpoenas specify a large quantity of documents and were requested ten days after the commencement of the hearing, so they are untimely as a general matter. Additionally, were JTCM/Jarkesy to obtain and serve the subpoenas, this would be accomplished, at the earliest, during the week of February 18, 2014, and the Division and any person to whom the subpoenas are directed, or who is an owner, creator, or subject of the documents to be produced, are allowed fifteen days from the date of service to request that the subpoenas be quashed. See 17 C.F.R. § 201.232(e)(1). By that time, the hearing and record will have been closed. Second, aside from their untimeliness, the subpoenas are unreasonable. Subpoena No. 1 specifies evidence largely consisting of privileged internal Commission deliberations concerning the JTF/Belesis Settlement and concerning the institution of this proceeding against JTCM/Jarkesy. Documents specified in Subpoena No. 2 relate to the topics enumerated in Subpoena No. 1. Accordingly, the subpoenas will not be issued.

IT IS SO ORDERED.

/S/ Carol Fox Foelak
Carol Fox Foelak
Administrative Law Judge