

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1672/August 6, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-15900

In the Matter of

JOHN J. BRAVATA,	:	ORDER DENYING
RICHARD J. TRABULSY, and	:	CERTIFICATION FOR
ANTONIO M. BRAVATA	:	INTERLOCUTORY REVIEW

The Securities and Exchange Commission (Commission) instituted this proceeding with an Order Instituting Proceedings (OIP) on June 2, 2014, pursuant to Section 15(b) of the Securities Exchange Act of 1934 (Exchange Act) and 203(f) of the Investment Advisers Act of 1940 (Advisers Act). The proceeding is a follow-on proceeding based on United States v. Bravata, No. 2:11-cr-20314 (E.D. Mich.), in which Respondents John J. Bravata (John Bravata) and Antonio M. Bravata (Antonio Bravata) were convicted of wire fraud and other offenses on December 11, 2013; and SEC v. Bravata, No. 09-cv-12950 (E.D. Mich. May 29, 2014), in which Respondents were enjoined against violations of the antifraud and registration provisions of the securities laws.¹ The Division of Enforcement was granted leave to file a motion for summary disposition pursuant to 17 C.F.R. § 201.250. John J. Bravata, Admin. Proc. Rulings Release No. 1636, 2014 SEC LEXIS 2595 (A.L.J. July 21, 2014) (Prehearing Order).

John Bravata and Antonio Bravata have filed a Notice of Appeal of Prehearing Order, stating that they appeal the jurisdiction and standing of the Commission in this matter and also referring to summary disposition. This filing will be treated as a motion for certification of ruling for interlocutory appeal pursuant to 17 C.F.R. § 201.400(c)(2) (Rule 400(c)(2)).

Rule 400(c)(2) provides, in relevant part:

(c) *Certification Process.* A ruling submitted to the Commission for interlocutory review must be certified in writing by the hearing officer The hearing officer shall not certify a ruling unless:

. . .

(2) upon application by a party, within five days of the hearing officer's ruling, the hearing officer is of the opinion that:

¹ The proceeding has ended as to Richard J. Trabulsy. John J. Bravata, Initial Decision Release No. 641, 2014 SEC LEXIS 2666 (A.L.J. July 24, 2014).

(i) the ruling involves a controlling question of law as to which there is substantial ground for difference of opinion; and

(ii) an immediate review of the order may materially advance the completion of the proceeding.

John Bravata and Antonio Bravata's request for certification must be denied. No ruling in the Prehearing Order involves a controlling question of law as to which there is substantial ground for difference of opinion. To the contrary, the issues they raise are baseless. This proceeding was authorized pursuant to Exchange Act Section 15(b) and Advisers Act Section 203(f) based on their convictions and injunctions. See Exchange Act Section 15(b)(4)(B)(C) and 15(b)(6)(A) and Advisers Act Section 203(f). Further, the Commission has repeatedly upheld the use of summary disposition in follow-on cases, like this one, where the respondent has been enjoined or convicted of an offense listed in Exchange Act Section 15(b) and Advisers Act Section 203. Gary M. Kornman, Exchange Act Release No. 59403, 2009 SEC LEXIS 367 at *39-42 & n.58 (Feb. 13, 2009). Finally, immediate review of the Prehearing order is more likely to delay than to materially advance the completion of this proceeding.

IT IS SO ORDERED.

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