

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

ADMINISTRATIVE PROCEEDINGS RULINGS

Release No. 5482/January 22, 2018

ADMINISTRATIVE PROCEEDING

File No. 3-17550

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In the Matter of

TOD A. DITOMMASO, ESQ.

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ORDER

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The Securities and Exchange Commission instituted this proceeding on September 16, 2016, pursuant to Section 8A of the Securities Act of 1933. On March 21, 2017, the undersigned concluded that Tod A. DiTommaso, Esq., violated Sections 5(a) and 5(c) of the Securities Act through his issuance of ten attorney opinion letters; on June 13, 2017, she ordered him to pay disgorgement of \$1,475 and a civil penalty of \$1,475. *Tod A. DiTommaso, Esq.*, Admin. Proc. Rulings Release No. 4698, 2017 SEC LEXIS 848 (A.L.J. Mar. 21, 2017); Initial Decision Release No. 1142, 2017 SEC LEXIS 1716 (A.L.J. June 13, 2017).

The undersigned has completed the reexamination of the record as ordered by the Commission's November 30, 2017, order concerning administrative proceedings. *Pending Admin. Proc.*, Securities Act Release No. 10440, 2017 SEC LEXIS 3724 (Remand Order). As the parties were previously notified, the Remand Order ratified the appointment of the undersigned as an Administrative Law Judge and directed her to "[r]econsider the record, including all substantive and procedural actions taken by an administrative law judge" and "[d]etermine . . . whether to ratify or revise . . . all prior actions" in proceedings, such as this one, pending before the Commission in which she has issued an initial decision. *Id.* at \*3; *see Tod A. DiTommaso, Esq.*, Admin. Proc. Rulings Release No. 5387, 2017 SEC LEXIS 4105 (A.L.J. Dec. 15, 2017). As required by the Remand Order, the parties were invited "to submit any new evidence [they deem] relevant to the [undersigned's] reexamination of the record" by January 5, 2018. *Id.* No party submitted such new evidence.<sup>1</sup> The undersigned has reconsidered the record and determined to ratify "all prior actions."<sup>2</sup> The process required by the Remand Order has been completed.

IT IS SO ORDERED.

/S/ Carol Fox Foelak

Carol Fox Foelak

Administrative Law Judge

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<sup>1</sup> The Division of Enforcement filed a letter generally urging ratification.

<sup>2</sup> Previously, the Chief Administrative Law Judge ratified her designation of the undersigned as the presiding administrative law judge in this proceeding. *Tod A. DiTommaso, Esq.*, Admin. Proc. Rulings Release No. 4169, 2016 SEC LEXIS 3511 (C.A.L.J. Sept. 19, 2016); *Pending Admin. Proc.*, Admin. Proc. Rulings Release No. 5247, 2017 SEC LEXIS 3780 (C.A.L.J. Dec. 4, 2017).