

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 65620 / October 25, 2011

ACCOUNTING AND AUDITING ENFORCEMENT
Release No. 3331 / October 25, 2011

ADMINISTRATIVE PROCEEDING
File No. 3-14602

In the Matter of

ANTHONY J. CUTI, CPA,

Respondent.

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**ORDER OF SUSPENSION PURSUANT
TO RULE 102(e)(2) OF THE
COMMISSION'S RULES OF PRACTICE**

I.

The Securities and Exchange Commission deems it appropriate to issue an order of forthwith suspension of Anthony J. Cuti pursuant to Rule 102(e)(2) of the Commission's Rules of Practice [17 C.F.R. § 200.102(e)(2)].¹

II.

The Commission finds that:

1. Cuti is a certified public accountant, licensed in New York, although his license has lapsed.
2. On September 7, 2011, an amended judgment of conviction was entered against

¹ Rule 102(e)(2) provides in pertinent part: "Any ... person who has been convicted of a felony or a misdemeanor involving moral turpitude shall be forthwith suspended from appearing or practicing before the Commission."

Cuti in United States v. Anthony Cuti, No. 08 CR 972 (DAB), in the United States District Court for the Southern District of New York, finding him guilty of one count of conspiracy to commit false statements in SEC filings, false statements to auditors, and false books and records; one count of securities fraud and three counts of false filings with the SEC in connection with his role as Chairman of the Board, Chief Executive Officer and President of Duane Reade Inc. and its successor Duane Reade Holdings Corp.

3. As a result of this conviction, Cuti was sentenced to 36 months imprisonment in a federal penitentiary and three years supervised release and ordered to pay a criminal fine of \$5 million. The Court has ordered that restitution may be ordered at a later date.

III.

In view of the foregoing, the Commission finds that Cuti has been convicted of a felony within the meaning of Rule 102(e)(2) of the Commission's Rules of Practice.

Accordingly, it is ORDERED that Anthony Cuti is forthwith suspended from appearing or practicing before the Commission pursuant to Rule 102(e)(2) of the Commission's Rules of Practice.

By the Commission.

Elizabeth M. Murphy
Secretary