

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 98039 / August 2, 2023

ACCOUNTING AND AUDITING ENFORCEMENT
Release No. 4434 / August 2, 2023

ADMINISTRATIVE PROCEEDING
File No. 3-21543

In the Matter of

DAVID LETHEM,

Respondent.

**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 David Lethem (“Lethem” or “Respondent”) pursuant to Rule 102(e)(2) of the Commission’s Rules of Practice [17 C.F.R. § 201.102(e)(2)].¹

II.

The Commission finds that:

1. From at least early 2016 to March 2019, Lethem was the Chief Financial Officer of FTE Networks, Inc. (“FTE”), a Naples, Florida-based public company that provided networking infrastructure to the technology and telecommunications industries. Lethem, 65 years old, is a resident of Fort Myers, Florida.

2. On May 11, 2023, Lethem pled guilty before the United States District Court for the Southern District of New York (“District Court”) in *United States v. Palleschi et al.*, No. 1:21-cr-00454-CM-2 (S.D.N.Y), to one count of conspiracy to commit securities fraud, in violation of 18 U.S.C. § 371, one count of securities fraud, in violation of 15 U.S.C. §§ 78j(b) and 78ff, 17 C.F.R. § 240.10b-5 and 240.10b5-2, and 18 U.S.C. § 2, and additional charges. On May 22, 2023, the District Court adopted the recommendation of the Magistrate Judge to accept

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.”

Lethem's guilty plea, and adjudged Lethem guilty of the offenses to which the guilty plea was offered.

III.

In view of the foregoing, the Commission finds that Lethem 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 David Lethem 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.

Vanessa A. Countryman
Secretary