

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES ACT OF 1933  
Release No. 11370 / April 7, 2025

SECURITIES EXCHANGE ACT OF 1934  
Release No. 102777 / April 7, 2025

INVESTMENT ADVISERS ACT OF 1940  
Release No. 6871 / April 7, 2025

INVESTMENT COMPANY ACT OF 1940  
Release No. 35521 / April 7, 2025

Admin. Proc. File No. 3-20597

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| In the Matter of<br><br>THOMAS J. POWELL |
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ORDER DIRECTING ADDITIONAL BRIEFS

On September 24, 2021, the Securities and Exchange Commission issued an order instituting proceedings, making findings, and imposing remedial sanctions against Thomas J. Powell under Section 8A of the Securities Act of 1933, Sections 15(b) and 21C of the Securities Exchange Act of 1934, Section 9(b) of the Investment Company Act of 1940, and Section 203(f) of the Investment Advisers Act of 1940 (the “2021 Order”).<sup>1</sup> On January 30, 2024, Powell filed an application seeking to vacate the bars imposed by the 2021 Order under Rule of Practice 154.<sup>2</sup> Alternatively, Powell requested, under Rule of Practice 193,<sup>3</sup> consent to associate with Resolute Capital Advisors, LLC, and consent to participate in penny stock offerings, notwithstanding the bars imposed in the 2021 Order. The Division has not responded to the application.

Upon consideration of the application, we believe the Commission would benefit from additional briefing. Accordingly, it is ORDERED that the Division file a response to Powell’s

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<sup>1</sup> *Resolute Capital Partners, LLC, et al.*, Securities Act Release No. 5872, 2021 WL 4354679 (Sept. 24, 2021).

<sup>2</sup> *See* 17 C.F.R. § 201.154.

<sup>3</sup> *See* 17 C.F.R. § 201.193.

application by May 7, 2025, and Powell file any reply by May 22, 2025. In doing so, the parties should follow the length limitations in Rule of Practice 154(c).<sup>4</sup>

The parties' attention is directed to the e-filing requirements in the Rules of Practice.<sup>5</sup> We also remind the parties that any document filed with the Commission must be served upon all participants in the proceeding and be accompanied by a certificate of service.<sup>6</sup>

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman  
Secretary

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<sup>4</sup> 17 C.F.R. § 201.154(c).

<sup>5</sup> See Rules of Practice 151, 152(a), 17 C.F.R. §§ 201.151, .152(a) (providing procedure for filing papers with the Commission and mandating electronic filing in the form and manner posted on the Commission's website); *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. Parties generally also must certify that they have redacted or omitted sensitive personal information from any filing. Rule of Practice 151(e), 17 C.F.R. § 201.151(e).

<sup>6</sup> See Rule of Practice 150, 17 C.F.R. § 201.150 (generally requiring parties to serve each other with their filings); Rule of Practice 151(d), 17 C.F.R. § 201.151(d) ("Papers filed with the Commission . . . shall be accompanied by a certificate stating the name of the person or persons served, the date of service, the method of service, and the mailing address or email address to which service was made, if not made in person.").