

**UNITED STATES OF AMERICA**  
**Before the**  
**SECURITIES AND EXCHANGE COMMISSION**

**SECURITIES EXCHANGE ACT OF 1934**  
**Release No. 82651 / February 7, 2018**

**ADMINISTRATIVE PROCEEDING**  
**File No. 3-18363**

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**In the Matter of**

**THOMAS OSMONDE RUSSELL, III Esq.,**

**Respondent.**

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

**I.**

The Securities and Exchange Commission (“Commission”) deems it appropriate to forthwith suspend Thomas Osmonde Russell, III Esq. (“Respondent” or “Russell”) from appearing or practicing as an attorney before the Commission pursuant to Rule 102(e)(2) of the Commission’s Rules of Practice.<sup>1</sup> 17 C.F.R. 201.102(e)(2).

**II.**

The Commission finds that:

1. Russell, age 67, is an attorney who was previously licensed to practice law in the State of California. His practice has involved working on securities law matters, including authoring opinion letters regarding whether a company’s securities could be sold without being registered with the Commission.

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<sup>1</sup> Rule 102(e)(2) provides in pertinent part: “Any attorney who has been suspended or disbarred by a court of the United States or of any State ... shall be forthwith suspended from appearing or practicing before the Commission.” 17 C.F.R. 201.102(e)(2).

2. On January 10, 2017, the State Bar Court of California (“Bar”) suspended Russell from the practice of law based on its finding that Russell: willfully failed to maintain client funds in a trust account; misappropriated client funds in a trust account on multiple occasions; and, breached his fiduciary duty by paying his personal expenses from his client trust fund. The Bar Court found Russell’s violations to be aggravated because: he engaged in multiple acts of misconduct; his violations caused significant harm to his client; he lacked candor during his testimony; and, he did not show remorse for his unethical behavior.
3. On June 23, 2017, the California Supreme Court entered an Order disbaring Russell from the practice of law effective July 23, 2017. The Court also ordered Russell to make restitution to his former client in the amount of \$31,500 plus 10% interest per year from June 17, 2015. The Court also awarded costs to the California Bar.

### **III.**

In view of the foregoing, the Commission finds that Russell is an attorney who has been disbarred by a State court within the meaning of Rule 102(e)(2) of the Commission’s Rules of Practice.

Accordingly, it is ORDERED, that Russell is forthwith suspended from appearing or practicing before the Commission as an attorney pursuant to Rule 102(e)(2) of the Commission’s Rules of Practice.

By the Commission.

Brent J. Fields  
Secretary