

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
October 8, 2004

ADMINISTRATIVE PROCEEDING
File No. 3-11700

In the Matter of

JOHN N. SALERNO,

Respondent.

ORDER INSTITUTING
ADMINISTRATIVE PROCEEDINGS
PURSUANT TO SECTION 15(b) OF THE
SECURITIES EXCHANGE ACT OF 1934.

I.

The Securities and Exchange Commission (“Commission”) deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted pursuant to Section 15(b) of the Securities Exchange Act of 1934 (“Exchange Act”) against John N. Salerno (“Salerno” or “Respondent”).

II.

After an investigation, the Division of Enforcement alleges that:

A. Salerno, 36, is a resident of Downers Grove, Illinois. From October 1996 to August 1998, Salerno was an undisclosed control person of The Hamilton Shea Group, Inc. (“Hamilton Shea”), a broker-dealer registered with the Commission. Salerno also supervised Hamilton Shea registered representatives.

B. On April 21, 2004, Salerno pled guilty to one count of filing a false broker-dealer registration statement with the Commission in violation of Title 15 United States Code, Sections 77x and 78o, before the United States District Court for the Middle District of Florida, in United States v. Salerno, Case No. 02-CR-351.

C. The count of the criminal information to which Salerno pled guilty alleged that he willfully violated the rules and regulations promulgated by the Commission and omitted to state a material fact in a registration statement required to be filed with the Commission. The count of the criminal information alleged that, on or about August 1, 1997 and on or about December 1, 1998, while a registered principal at Hamilton Shea, Salerno and others filed false

broker-dealer registration forms with the Commission which failed to state the identity of a co-owner of Hamilton Shea who exercised control over the firm.

D. While at Hamilton Shea, Salerno participated in an offering of Certified Diabetic Services, Inc. stock, which is a penny stock.

III.

In view of the allegations made by the Division of Enforcement, the Commission deems it necessary and appropriate in the public interest that public administrative proceedings be instituted to determine:

A. Whether the allegations set forth in Section II are true and, in connection therewith, to afford Respondent an opportunity to establish any defenses to such allegations; and

B. What, if any, remedial action is appropriate in the public interest against Respondent pursuant to Section 15(b) of the Exchange Act.

IV.

IT IS ORDERED that a public hearing for the purpose of taking evidence on the questions set forth in Section III hereof shall be convened at a time and place to be fixed, and before an Administrative Law Judge to be designated by further order as provided by Rule 110 of the Commission's Rules of Practice, 17 C.F.R. § 201.110.

IT IS FURTHER ORDERED that Respondent shall file an Answer to the allegations contained in this Order within twenty (20) days after service of this Order, as provided by Rule 220 of the Commission's Rules of Practice, 17 C.F.R. § 201.220.

If Respondent fails to file the directed answer, or fails to appear at a hearing after being duly notified, he may be deemed in default and the proceedings may be determined against him upon consideration of this Order, the allegations of which may be deemed to be true as provided by Rules 155(a), 220(f), 221(f) and 310 of the Commission's Rules of Practice, 17 C.F.R. §§ 201.155(a), 201.220(f), 201.221(f) and 201.310.

This Order shall be served forthwith upon Respondent personally or by certified mail.

IT IS FURTHER ORDERED that the Administrative Law Judge shall issue an initial decision no later than 210 days from the date of service of this Order, pursuant to Rule 360(a)(2) of the Commission's Rules of Practice.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision of this matter, except as witness

or counsel in proceedings held pursuant to notice. Since this proceeding is not “rule making” within the meaning of Section 551 of the Administrative Procedure Act, it is not deemed subject to the provisions of Section 553 delaying the effective date of any final Commission action.

By the Commission.

Jonathan G. Katz
Secretary