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January 19, 2018

VIA E-MAIL AND FEDERAL EXPRESS

The Honorable Brenda P. Murray
Chief Administrative Law Judge
U.S. Securities and Exchange Commission
100 F. Street N.E.
Mail Stop 1090
Washington D.C. 20549

Re: Administrative Proceedings File No. 3-15514
In the Matter of Donald J. Anthony, Jr., et al.

Dear Chief Judge Murray:

This letter is intended to replace the letter previously transmitted today, which contained an error.

On behalf of Respondent Thomas Livingston, we write regarding the Commission's November 30, 2017 order purporting to ratify the appointment of all ALJs and remanding this and other matters for "reconsideration." Your Honor's order of December 15, 2017 indicated your intention to carry out the Commission's November 30th Order in the above-styled proceeding.

Respondent Livingston objects (i) to the SEC's purported ratification of Your Honor as an ALJ and (ii) to this process in its entirety, and hereby adopts the objections and arguments in their entirety as set forth in the January 18, 2018 letters filed on behalf of Respondents Phillip S. Rabinovich and Brian T. Mayer and Respondent William F. Lex. Even if Your Honor was properly appointed, with all due respect, it is not possible that Your Honor could reach a "detached and considered affirmation" of your earlier decision, as the Division argues. Your Honor made evidentiary and credibility determinations, years ago, which fundamentally and prejudicially altered the evidence presented at the hearing. Those errors cannot be undone, and it is impossible to give Mr. Livingston the due process to which he entitled by, based on a cold review of a hearing conducted almost three years ago, reaffirming Your Honor's own previously-made conclusions and opinions. This administrative proceeding should be dismissed with prejudice.

This letter brief is submitted without prejudice to Respondent Livingston's contention that the process instituted by the Commission on November 15, 2017, and Your Honor's December 15, 2017 order, is a nullity with respect to this case. Subject to and without waiver of our objections to this entire process, we would call to your attention the objections and arguments made at the hearing, in our pre- and post-hearing briefs, in the motions and briefs filed

by other Respondents to which Respondent Livingston joined or adopted, and the objections and arguments presented in writing and at oral argument before the Commission.

By copy of this letter, Respondent Livingston is filing this letter brief by facsimile and contemporaneously sending via overnight delivery the original and three copies to the Commission's Secretary.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Nielsen', with a long horizontal flourish extending to the right.

Matthew G. Nielsen

c: Brent J. Fields, Secretary, original and three copies
(via facsimile (703-813-9793) and Federal Express)

David Stoeling, Esq.
(by e-mail and Federal Express)

All Respondents' counsel
(by e-mail)

CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2018, I filed this document with the Office of the Secretary of the Commission via facsimile and contemporaneously sent via Federal Express the original and three copies and served the document as follows:

Via Federal Express and E-mail

The Honorable Brenda P. Murray
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Via E-mail

All Respondents Counsel

A handwritten signature in black ink, appearing to read 'D. Stoeling', is written over a horizontal line.