

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES ACT OF 1933
Release No. 9688 / December 11, 2014

SECURITIES EXCHANGE ACT OF 1934
Release No. 73819 / December 11, 2014

INVESTMENT ADVISERS ACT OF 1940
Release No. 3978 / December 11, 2014

INVESTMENT COMPANY ACT OF 1940
Release No. 31370 / December 11, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-15255

In the Matter of

JOHN THOMAS CAPITAL
MANAGEMENT GROUP LLC d/b/a
PATRIOT28 LLC and GEORGE R.
JARKEYS, JR.

ORDER GRANTING REVIEW AND
SCHEDULING BRIEFS

Pursuant to Commission Rule of Practice 411,¹ the petition of respondents John Thomas Capital Management Group LLC d/b/a Patriot28 LLC ("JTCM") and George R. Jarkey, Jr. and the cross-petition of the Division of Enforcement for review of an administrative law judge's initial decision are GRANTED.² Pursuant to Rule of Practice 411(d), the Commission will determine what sanctions, if any, are appropriate in this matter.³

Accordingly, IT IS ORDERED, pursuant to Rule of Practice 450(a),⁴ that briefs be filed as follows:

¹ 17 C.F.R. § 201.411.

² *John Thomas Capital Mgmt. Group LLC*, Initial Decision Release No. 693, 2014 WL 5304908 (Oct. 17, 2014).

³ 17 C.F.R. § 201.411(d).

⁴ 17 C.F.R. § 201.450(a).

Respondents' opening brief: Respondents shall file a single consolidated brief, not to exceed 16,000 words, by January 13, 2015.

Division's principal and response brief: The Division shall file a brief, not to exceed 16,000 words, by February 13, 2015. This brief must address the issues presented by the Division's cross-petition for review and respond to respondents' opening brief.

Respondents' response and reply brief: Respondents shall file a single consolidated brief, not to exceed 10,000 words, by March 9, 2015.

Division's reply brief: The Division may file a reply brief, not to exceed 2,000 words, by March 23, 2015. This brief must be limited to the issues presented by the Division's cross-petition for review.

As provided by Rule of Practice 450(a), no briefs in addition to those specified in this schedule may be filed without leave of the Commission.⁵ Pursuant to Rule of Practice 180(c), failure to file a brief in support of the petition or cross-petition may result in dismissal of this review proceeding as to that party.⁶

The Division requests expedited treatment of this review proceeding "to protect any remaining assets in the funds." Consistent with the Commission's other responsibilities, this request will be granted; no motions for extensions of time to file briefs will be entertained. The Commission's ongoing consideration of this matter is without prejudice to any other remedies or relief that the Division might pursue.

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⁵ Attention is called to Rules of Practice 150-153, 17 C.F.R. §§ 201.150-153, with respect to form and service, and Rules of Practice 450(b) and (c), 17 C.F.R. § 201.450(b), 201.450(c), with respect to content and length limitations (except as modified in this order). The number of words includes any pleadings that are incorporated by reference.

⁶ 17 C.F.R. § 201.180(c).

We remind the parties that Rule 452 provides that motions for leave to adduce additional evidence must show with particularity that the evidence is material and there were reasonable grounds for failure to adduce such evidence previously.⁷ Thus, to the extent that any party contends that the record compiled before the law judge is incomplete or inadequate, we direct that relief under Rule 452 be sought promptly, and in no event later than the date on which respondents' opening brief is due. Such motion shall demonstrate that the evidence could not have been developed and introduced below; if the law judge refused relief, the motion shall specify the manner in which relief was sought, the proffer made to the law judge, and the law judge's ruling.

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

Brent J. Fields
Secretary

⁷ 17 C.F.R. § 201.452.