

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

SECURITIES EXCHANGE ACT OF 1934
Release No. 51587/April 21, 2005

ADMINISTRATIVE PROCEEDING
File No. 3-11859

In the Matter of :
:
ROBERT A. TOMMASSELLO : ORDER MAKING FINDINGS AND
: IMPOSING SANCTION BY DEFAULT

SUMMARY

This Order bars Robert A. Tommassello (Tommassello) from association with any broker or dealer. Tommassello was previously enjoined from violating the antifraud provisions of the securities laws, based on his involvement in a fraudulent scheme to convert to his personal use funds that he received from customers for the purpose of purchasing securities.

I. BACKGROUND

The Securities and Exchange Commission (Commission) issued its Order Instituting Proceedings (OIP) against Tommassello on March 16, 2005, pursuant to Section 15(b) of the Securities Exchange Act of 1934 (Exchange Act). The OIP alleges that he was enjoined in 2001 from violating the antifraud provisions of the federal securities laws, based on his wrongdoing while associated with a broker-dealer, First Colonial Securities Group, Inc. (First Colonial). Tommassello was served with the OIP on March 21, 2005. He failed to file an answer, due twenty days after service of the OIP.¹ See 17 C.F.R. § 201.220(b); OIP at 2. A respondent who fails to file an answer to the OIP may be deemed to be in default, and the administrative law judge may determine the proceeding against him.² See 17 C.F.R. §§ 201.155(a), .220(f); OIP at 3. Thus, Tommassello is in default, and the undersigned finds the following allegations in the OIP are true.

¹ On March 28, 2005, the Commission received a letter from Tommassello protesting the issuance of the OIP and suggesting that he hoped to resolve the matter without a hearing.

² The Division of Enforcement has requested a default.

II. FINDINGS OF FACT

Tommasello is permanently enjoined from violating the antifraud provisions of the federal securities laws. SEC v. Tommasello, Civil Action No. 3:CV98-322 (M.D. Pa. Feb. 2, 2001). The wrongdoing that underlies Tommasello's injunction occurred from November 1995 through early 1998, while he was associated as a registered principal of the Hazleton, Pennsylvania, office of supervisory jurisdiction of First Colonial, a broker-dealer registered with the Commission pursuant to Section 15(b) of the Exchange Act. Additionally, he was the owner of R.T. & A. Financial Management, Ltd (RT&A). From November 1995 through early 1998, Tommasello engaged in a fraudulent scheme to convert to his personal use funds that he solicited and received from customers for the purpose of purchasing mutual funds and variable annuities. He solicited funds through RT&A, which he misrepresented to investors to be a registered investment adviser. He further misrepresented to investors that he would put their funds in mutual funds or variable annuities that would earn a higher rate of return than their current investments. Tommasello then deposited the funds into bank accounts that he or his wife controlled. Tommasello is currently incarcerated.

III. CONCLUSIONS OF LAW

Tommasello is permanently enjoined "from engaging in or continuing any conduct or practice in connection . . . with the purchase or sale of any security" within the meaning of Sections 15(b)(4)(C) and 15(b)(6)(A)(iii) of the Exchange Act.

IV. SANCTION

Tommasello will be barred from association with any broker-dealer. This sanction will serve the public interest and the protection of investors, pursuant to Section 15(b) of the Exchange Act. It accords with Commission precedent and the sanction considerations set forth in Steadman v. SEC, 603 F.2d 1126, 1140 (5th Cir. 1979), aff'd on other grounds, 450 U.S. 91 (1981). Tommasello's unlawful conduct was recurring and egregious, extending over a period of several years. There are no mitigating circumstances.

V. ORDER

IT IS ORDERED that, pursuant to Section 15(b) of the Securities Exchange Act of 1934, ROBERT A. TOMMASELLO IS BARRED from association with any broker or dealer.

Carol Fox Foelak
Administrative Law Judge