

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

**SECURITIES EXCHANGE ACT OF 1934**  
**Release No. 54115 / July 10, 2006**

**ADMINISTRATIVE PROCEEDING**  
**File No. 3-12360**

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<b>In the Matter of</b>	:	
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	:	<b>ORDER OF SUSPENSION PURSUANT</b>
<b>DONALD FRANK MINTMIRE, ESQ.</b>	:	<b>TO RULE 102(e)(2) OF THE</b>
	:	<b>COMMISSION'S RULES OF</b>
<b>Respondent.</b>	:	<b>PRACTICE</b>
	:	

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**I.**

The Securities and Exchange Commission deems it appropriate to issue an order of forthwith suspension of Donald Frank Mintmire, Esq. (“Mintmire”) pursuant to Rule 102(e)(2) of the Commission’s Rules of Practice [17 C.F.R. § 200.102(e)(2)].<sup>1</sup>

**II.**

The Commission finds that:

1. Mintmire is an attorney and was licensed to practice law in the State of Florida on July 19, 1984.
2. On February 9, 2005, Mintmire was convicted by a federal jury in United States v. Donald Frank Mintmire, No. 04-14020-CR-Grah, in the United States District Court for the Southern District of Florida, of one count of Obstruction of Official Proceeding (18 U.S.C. § 1512(c)(2)) and one count of Conspiracy to Obstruct Justice (18 U.S.C. §§ 1505 and 371). On February 8, 2006, the Court entered a judgment and sentenced

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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; . . . or any person who has been convicted of felony or a misdemeanor involving moral turpitude shall be forthwith suspended from appearing or practicing before the Commission. A disbarment, suspension, revocation or conviction within the meaning of this section shall be deemed to have occurred when the disbarring, suspending, revoking or convicting agency or tribunal enters its judgment or order. . . .”

Mintmire to 21 months in federal prison, fining him \$80,000, and prohibiting him from engaging in any business that offers securities, investments or business opportunities.

3. On February 20, 2006, the Supreme Court of Florida ordered an automatic suspension of Mintmire from the Florida Bar pursuant to Rule 3-72(e) of the Rules Regulating the Florida Bar based on his federal felony conviction. On or about April 1, 2006, Mintmire's license to practice law in Florida was suspended by the Florida State Bar based on his conviction. On May 18, 2006, the Supreme Court of Florida entered a judgment barring Mintmire from practicing law in Florida.

### **III.**

In view of the foregoing, the Commission finds that Mintmire has been suspended by a court and has been convicted of a felony within the meaning of Rule 102(e)(2) of the Commission's Rules of Practice.

Accordingly, it is ORDERED, that Donald Frank Mintmire is forthwith suspended from appearing or practicing before the Commission pursuant to Rule 102(e)(2) of the Commission's Rules of Practice.

By the Commission.

Nancy M. Morris  
Secretary