

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934

Release No. 59371 / February 9, 2009

ADMINISTRATIVE PROCEEDING

File No. 3-13363

In the Matter of

**CARLOS JAVIER SPINELLI-
NOSEDA, Esq.**

Respondent.

**ORDER OF SUSPENSION PURSUANT TO
RULE 102(e)(2) OF THE COMMISSION'S
RULES OF PRACTICE**

I.

The Securities and Exchange Commission ("Commission") deems it appropriate to issue an order of forthwith suspension of Carlos Javier Spinelli-Nosededa pursuant to Rule 102(e)(2) of the Commission's Rules of Practice [17 C.F.R. 200.102(e)(2)].¹

II.

The Commission finds that:

1. Spinelli was an attorney admitted to practice law in the state of New York.
2. Spinelli regularly appeared and practiced before the Commission as an attorney on behalf of issuers and underwriters.
3. On June 30, 2008, the Chief Counsel for the Departmental Disciplinary Committee for the First Judicial Department of the New York Supreme Court, Appellate Division ("Disciplinary Counsel"), moved for an order accepting Spinelli's resignation from the practice of law in New York and formally striking his name from the New York roll of attorneys.

¹Rule 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 whose license to practice as a[] . . . professional or expert has been revoked or suspended in any State . . . shall be forthwith suspended from appearing or practicing before the Commission."

4. In a notarized affidavit filed with the First Judicial Department of the New York Supreme Court, Appellate Division (“New York Court”), Spinelli admitted that between July 1998 and February 2008, he improperly billed his clients and his former law firm for more than \$500,000 in expenses that were either personal, inflated or false.
5. Spinelli also affirmed in his affidavit filed with the New York Court that his conduct involved dishonesty, fraud, deceit and misrepresentation in violation of DR 1-102(A)(4), and that such conduct adversely reflected on his fitness and integrity to practice law in violation of DR 1-102(A)(7).
6. The New York Court on September 23, 2008, duly granted the Disciplinary Counsel’s motion and issued an order directing that: (i) Spinelli’s resignation from the practice of law be accepted, and (ii) Spinelli’s name be struck from the New York roll of attorneys.

III.

In view of the foregoing, the Commission finds that Spinelli is an attorney who has been disbarred from practicing law within the meaning of Rule 102(e)(2) of the Commission’s Rules of Practice. Accordingly, it is ORDERED that Carlos Javier Spinelli-Nosedá 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.

Elizabeth M. Murphy
Secretary