

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 79484 / December 6, 2016

ADMINISTRATIVE PROCEEDING
File No. 3-17710

In the Matter of

ROY D. KESSEL, Esq.

Respondent.

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

I.

The Securities and Exchange Commission (“Commission”) deems it appropriate and in the public interest to issue an order of forthwith suspension of Roy D. Kessel (“Respondent” or “Kessel”) pursuant to Rule 102(e)(2)¹ of the Commission’s Rules of Practice (17 C.F.R. § 200.102(e)(2)).

II.

The Commission finds that:

1. Roy D. Kessel is an attorney licensed in the State of Illinois.
2. On January 13, 2012, the Supreme Court of Illinois disbarred Kessel. *In re: Roy D. Kessel*, M.R. 25049 (Ill. Jan. 13, 2012). It approved and confirmed a Report and Recommendation by the Illinois Attorney Registration and Disciplinary Commission that found Kessel committed “breach of fiduciary duty,” engaged “in conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of Rule 8.4(a)(4) of the Illinois Rules of Professional Conduct,” and engaged “in conduct which tends to defeat the administration of justice or bring the courts or the legal profession into disrepute, in violation of Supreme Court Rule 770.” *In the Matter of Roy D. Kessel*, 2010 PR 0043, Case No. 6207229 (Oct. 19, 2011).

¹ 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 a felony or a misdemeanor involving moral turpitude shall be forthwith suspended from appearing or practicing before the Commission.” *See* 17 C.F.R. § 201.102(e)(2).

3. On September 9, 2014, the United States District Court for the Central District of California accepted Kessel's guilty plea to one charge of Conspiracy to Commit Wire Fraud. The criminal information stated that Kessel stole investors' money entrusted to him under escrow agreements to purchase debt securities, and, to conceal his scheme, provided investors fabricated account statements showing profitable investments he claimed to have made with their funds. The information charged Kessel with making material misrepresentations to investors and misappropriating their funds for his personal benefit. The District Court sentenced Kessel to forty-eight months in federal prison and ordered him to pay restitution of \$3,302,519.52 to his victims. Info. at 2-3, *United States v. Roy D. Kessel*, Case No. 8:10-cr-00219 (C.D. Cal. Oct. 27, 2010); J. at 1-2, *United States v. Roy D. Kessel*, Case No. 8:10-cr-00219 (C.D. Cal. Sep. 9, 2014).

III.

In view of the foregoing, the Commission finds that Kessel is an attorney who has been disbarred by a State court, and convicted of a felony or a misdemeanor involving moral turpitude, within the meaning of Rule 102(e)(2) of the Commission's Rules of Practice.

Accordingly, it is ORDERED, that Roy D. Kessel 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.

Brent J. Fields
Secretary