

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 97931 / July 18, 2023

ADMINISTRATIVE PROCEEDING
File No. 3-15948

In the Matter of

Theodore R. Maloney, Esq.,

Respondent.

**ORDER PERMITTING ATTORNEY TO
RESUME APPEARING AND PRACTICING
PURSUANT TO RULE 102(e) OF THE
COMMISSION'S RULES OF PRACTICE**

I.

On June 25, 2014, the Commission instituted this proceeding, pursuant to Rule 102(e)(3) of the Commission's Rules of Practice, and entered an order ("Order") suspending Theodore R. Maloney, Esq. ("Maloney" or "Respondent") from appearing or practicing before the Commission as an attorney. *See In the Matter of Theodore R. Maloney, Esq.*, Admin Proc. No. 3-15948 (Jun. 25, 2014). The Commission's Order was based on Maloney's permanent injunction, by consent, from future violations of Sections 10(b), 13(b)(5), and 14(a) of the Securities Exchange Act of 1934 ("Exchange Act") and Rules 10b-5, 13b2-2(a), and 14a-9 thereunder, and aiding and abetting violations of Sections 10(b), 13(a) and 13(b)(2)(A) of the Exchange Act and Rules 10b-5, 12b-20, 13a-1, and 13a-13 thereunder in an enforcement action brought by the Commission in the United States District Court for the District of Nevada. *SEC v. Theodore R. Maloney*, Civil Action No. 02:11-cv-00075. The Order included a provision allowing Maloney to apply for reinstatement at the end of five years (or 60 months) upon a showing that he meets certain conditions. This matter is before the Commission on Maloney's application for reinstatement.

II.

On January 14, 2011, the Commission filed the above-referenced complaint against Maloney. The Commission's complaint alleged, among other things, that as the Chief Executive Officer of MediCor, Ltd., Maloney from 2004 through 2006, prepared, approved and signed financial reports, proxy statements and management representation letters that he knew, or was reckless in not knowing, were materially false and misleading. *See Order*, Section III, at ¶ 4. On March 28, 2014, the Court entered the permanent injunction referenced above, and also ordered him to pay a civil penalty of \$100,000. *See Order*, Section III, at ¶ 3.

III.

By letter to the Commission's Office of the General Counsel more than five years after the Commission's Order was issued, Maloney applied for reinstatement of the privilege of appearing and practicing before the Commission as an attorney. His application included a certificate of good standing from his state bar (California) and an affidavit addressing the conditions for reinstatement set forth in the Order. He also provided information and supplemental affidavits at the staff's request about his post-suspension practice and activities.

Maloney has paid the civil penalty imposed on him by the district court. He has also sworn under penalty of perjury that since entry of the Order, except for any actions concerning the conduct that was the basis for the Order, he (i) has complied with the Order; (ii) is not currently suspended or disbarred as an attorney by any court of the United States, any agency of the United States, or the bar or court of any state, territory, district, commonwealth, or possession; (iii) has not been suspended as an attorney for any offense involving moral turpitude by a court of the United States, any agency of the United States, or the bar or court of any state, territory, district, commonwealth, or possession; (iv) has not been convicted of a felony or misdemeanor involving moral turpitude; (v) has not been found by the Commission or a court of the United States to have committed a violation of the federal securities laws; (vi) has not been charged by the Commission or the United States with a violation of the federal securities laws; (vii) has not been found by any court of the United States, any agency of the United States, or any state, territory, district, commonwealth, or possession, or any bar thereof, to have committed an offense involving moral turpitude; and (viii) has not been charged by the United States, any agency of the United States, or any state, territory, district, commonwealth, or possession, or any bar thereof, with having committed an offense involving moral turpitude.

Moreover, since entry of the Order, no information has come to the attention of the Commission relating to Maloney's character, integrity, professional conduct, or qualifications to practice before the Commission that would be a basis for denying his application, or that would be a basis for an adverse action against him pursuant to Rule 102(e) of the Commission's Rules of Practice, or that otherwise indicates that reinstatement would not be in the public interest.

IV.

Based on the foregoing, the Commission has determined that it is appropriate to reinstate Maloney to appear and practice as an attorney before the Commission.

Accordingly, it is HEREBY ORDERED that Theodore R. Maloney, Esq., is reinstated to appear and practice as an attorney before the Commission.

By the Commission.

Vanessa A. Countryman
Secretary