

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1117/December 19, 2013

ADMINISTRATIVE PROCEEDING
File No. 3-15628

In the Matter of

DANIEL IMPERATO

ORDER STRIKING RESPONDENT'S FILINGS
DATED DECEMBER 7 AND 11, 2013

On November 27, 2013, the Securities and Exchange Commission (Commission) issued an Order Instituting Administrative Proceedings (OIP) against Daniel Imperato (Imperato), pursuant to Section 15(b) of the Securities Exchange Act of 1934. On December 12, 2013, I issued an order postponing the hearing sine die and directing that a telephonic prehearing conference be held on January 2, 2014, at 11:30 a.m. EST. Daniel Imperato, Admin. Proc. Rulings Release No. 1100. I further ordered that Imperato shall make no further filings between the issuance of the December 12, 2013, order and the prehearing conference, unless it pertains to the scheduling of the prehearing conference. Id.

Imperato has submitted two documents, dated December 7 and 11, 2013, respectively (Imperato's Filings). The December 7, 2013, document is a letter addressed to the Secretary, titled "Initial Response for United States Securities Exchange Commissioners," which the Office of the Secretary received on December 16, 2013. The December 11, 2013, document is a letter addressed to the Secretary, with numerous exhibits attached, which the Office of the Secretary received on December 17, 2013.

Imperato's Filings were not accompanied by certificates of service, and there is otherwise no evidence that they were served on the Division of Enforcement. All papers must be served on each party in the proceeding and must be accompanied by a certificate of service, pursuant to Rules 150(a) and 151(d) of the Commission's Rules of Practice. 17 C.F.R. §§ 201.150(a), .151(d). Unless the parties agree to accept service by email, service must be made by one of the means specified in Rule 150(c) of the Commission's Rules of Practice. 17 C.F.R. § 201.150(c).

Rule 180(b) of the Commission's Rules of Practice permits a hearing officer to reject any filing that fails to comply with any requirements of the Commission's Rules of Practice; it further provides that such filing shall not be part of the record. 17 C.F.R. § 201.180(b). The hearing officer may direct a party to cure any deficiencies and to resubmit the filing within a fixed time period. Id. Rule 180(c) of the Commission's Rules of Practice provides that the hearing officer may enter a default pursuant to Rule 155 of the Commission's Rules of Practice if

a person fails to cure a deficient filing within the time specified. 17 C.F.R. §§ 201.155(a)(3), 180(c).

Because Imperato's Filings fail to comply with Rules 150(a) and 151(d) of the Commission's Rules of Practice, it is ORDERED that Imperato's Filings are STRICKEN from the record. See 17 C.F.R. § 201.180(b). At the January 2, 2014, telephonic prehearing conference, I will order a time period within which Imperato shall cure any deficiencies and file an Answer to the OIP.

Cameron Elliot
Administrative Law Judge