

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

Administrative Proceedings Rulings
Release No. 5508 / January 22, 2018

Administrative Proceeding
File No. 3-16509

In the Matter of

**Edward M. Daspin, a/k/a Edward
(Ed) Michael,
Luigi Agostini, and
Lawrence R. Lux**

**Order Regarding Respondent's
Unauthorized Filings**

The Securities and Exchange Commission remanded this case and directed me to take certain actions.¹ Following remand, I gave the parties the opportunity to submit briefing and evidence regarding whether I should ratify or revise the actions taken in this matter by an administrative law judge.² I also provided the parties, including Respondent Edward M. Daspin, with specific filing instructions and gave them until January 5, 2018, to file their responsive submissions.³ Although I later extended this date to January

¹ The Commission instructed me to reconsider the record and all prior actions by an administrative law judge, allow the parties to submit any new, relevant evidence, and issue an order ratifying or revising all prior actions. *Pending Admin. Proc.*, Securities Act of 1933 Release No. 10440, 2017 WL 5969234, at *1–2 (Nov. 30, 2017).

² *Edward M. Daspin*, Admin. Proc. Rulings Release No. 5307, 2017 SEC LEXIS 3917, at *1–2 (ALJ Dec. 7, 2017).

³ *Id.* at *1–3. I issued these instructions due to certain actions taken by Daspin during the pendency of this proceeding. Daspin has a history of sending argumentative, abusive, and unprofessional e-mails to my office and the Division. *See Edward M. Daspin*, Initial Decision Release No. 1051, 2016 WL 4437545, at *2 n.2 (ALJ Aug. 23, 2016); *Edward M. Daspin*, Admin. Proc. Rulings Release No. 3606, 2016 SEC LEXIS 562, at *1 n.1 (ALJ Feb. 16, 2016); *Edward M. Daspin*, Admin. Proc. Rulings Release No. 3393, 2015 SEC

(continued...)

12, 2018, I explained that “[a]bsent extraordinary circumstances, the deadlines . . . will not be extended.”⁴

Since January 12, 2018, Daspin has forwarded a number of e-mails to my office, some of which apparently contain substantive arguments or responses to my orders or filings by the Division of Enforcement.⁵ Despite e-mailing his initial evidentiary submission after January 12, Daspin attempted to supplement or substitute his submission to add arguments responding to the Division’s January 12, 2018, filing.⁶ On January 19, 2018, the Division filed a letter asking that I either strike Daspin’s noncompliant submissions or grant it additional time to respond.⁷

According to the Office of the Secretary, Daspin did not file with the Office of the Secretary the documents that are the subject of the Division’s letter. At this time, I will not strike the noncompliant filings, but neither I will consider them, and the Division need not respond to any submission that does not comply with the instructions in my orders issued on December 7 and 27, 2017. As provided in those orders, I will only consider papers filed in compliance with the Commission’s Rules of Practice. Papers filed without leave after the due dates established in my orders will not be considered. Substituted or supplemental filings submitted without leave will not be considered. E-mails will not be considered.

LEXIS 5418, at *2 (ALJ Dec. 14, 2015). He also repeatedly supplemented his filings without seeking leave to do so. *See Edward M. Daspin*, 2016 WL 4437545, at *2 n.2; *Edward M. Daspin*, 2016 SEC LEXIS 562, at *1 n.1. After lesser sanctions failed, I informed him that “my office will no longer accept or consider any e-mails or attachments thereto sent by Daspin,” and I would consider only documents that were served and filed in compliance with the Commission’s Rules of Practice. *Edward M. Daspin*, 2016 SEC LEXIS 562, at *3. I also told him that future filings “must be entirely self-contained in a single submission made on a single date.” *Id.* at *3–4. Daspin ignored these orders.

⁴ *Edward M. Daspin*, Admin. Proc. Rulings Release No. 5424, 2017 SEC LEXIS 4216, at *3 (ALJ Dec. 27, 2017).

⁵ *See* Letter from Kevin P. McGrath (Jan. 19, 2018).

⁶ *See id.* at 1.

⁷ *Id.* at 2.

James E. Grimes
Administrative Law Judge