

Stephen H. Rosenberg

David Kotz
Inspector General
U.S. Securities and Exchange Commission
100 F Street, N.E.
Washington, DC 20549-0213

April 9, 2008

EMAILED 04-09-08 (oig@sec.gov)

Inspector General **Kotz**:

I just received an email indicating that you met on March 26 with **David Patch**, founder of the [web site](http://www.investigatethesecc.com) www.investigatethesecc.com and a well-known advocate against naked short selling. You subsequently stated on April 7 that you are considering what action is warranted on the issue. Possibilities include an audit or investigations. An audit is a broad look at the SEC's practices in a particular area, while investigations focus on specific allegations of wrongdoing by SEC staff.

There is no doubt that as a result of the criminal failure of our SEC to simply enforce our nation's laws and regulations against "**NAKED SHORTING**", millions of so-called "**phantom / counterfeit shares**" have flooded our stock market. **As a result, we have lost complete control of our U.S. equity markets.**

Once the truth has been exposed and the dust has settled, our country will unfortunately have to face the financial reality that the current sub-prime mortgage disaster is **just a drop in the bucket** compared to the financial devastation that "**NAKED SHORTING**" has done to our nation's economy.

I just hope you are **not** too scared to immediately enforce our nation's laws and regulations against "**NAKED SHORTING**." As **Lou Dobbs** often correctly states on his CNN financial television show, we really need a government (**including an SEC**) that works. For your information, I have attached a copy of one of my **-always-unanswered-** letters to the SEC.

Please acknowledge receipt of this letter/email.

Thanks –

Stephen H. Rosenberg

Stephen H. Rosenberg
U.S. Military Academy – 1971
Woodrow Wilson College of Law - 1979
StRoseAsso@aol.com

cc:

Lou Dobbs – LouDobbsTonight@CNN.com

cc:

U.S. Senator Akaka, Daniel K. (D-HI)
U.S. Senator Alexander, Lamar (R-TN)
U.S. Senator Allard, Wayne (R-CO)
U.S. Senator Baucus, Max (D-MT)
U.S. Senator Bayh, Evan (D-IN)
U.S. Senator Bennett, Robert F. (R-UT)
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U.S. Senator Chambliss, Saxby (R-GA)
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U.S. Senator Cochran, Thad (R-MS)
U.S. Senator Coleman, Norm (R-MN)
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U.S. Senator Corker, Bob (R-TN)
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U.S. Senator Kyl, Jon (R-AZ)
U.S. Senator Landrieu, Mary L. (D-LA)
U.S. Senator Lautenberg, Frank R. (D-NJ)
U.S. Senator Leahy, Patrick J. (D-VT)
U.S. Senator Levin, Carl (D-MI)
U.S. Senator Lieberman, Joseph I. (D-CT)
U.S. Senator Lincoln, Blanche L. (D-AR)
U.S. Senator Lott, Trent (R-MS)
U.S. Senator Lugar, Richard G. (R-IN)
U.S. Senator Martinez, Mel (R-FL)
U.S. Senator McCain, John (R-AZ)
U.S. Senator Mccaskill, Claire (D-MO)
U.S. Senator McConnell, Mitch (R-KY)
U.S. Senator Menendez, Robert (D-NJ)
U.S. Senator Murkowski, Lisa (R-AK)
U.S. Senator Murray, Patty (D-WA)
U.S. Senator Nelson, Bill (D-FL)
U.S. Senator Nelson, E. Benjamin (D-NE)
U.S. Senator Obama, Barack (D-IL)
U.S. Senator Pryor, Mark L. (D-AR)

U.S. Senator Reed, Jack (D-RI) – My Cowardly 1971 West Point Classmate

U.S. Senator Reid, Harry (D-NV)
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U.S. Senator Rockefeller IV, John D. (D-WV)

U.S. Senator Salazar, Ken (D-CO)
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U.S. Senator Shelby, Richard C. (R-AL)
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U.S. Senator Specter, Arlen (R-PA)
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U.S. Senator Sununu, John E. (R-NH)
U.S. Senator Tester, Jon (D-MT)
U.S. Senator Thomas, Craig (R-WY)
U.S. Senator Thune, John (R-SD)
U.S. Senator Vitter, David (R-LA)
U.S. Senator Voinovich, George V. (R-OH)
U.S. Senator Warner, John (R-VA)
U.S. Senator Webb, Jim (D-VA)
U.S. Senator Whitehouse, Sheldon (D-RI)
U.S. Senator Wyden, Ron (D-OR)

Stephen H. Rosenberg

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Alexandria, VA 22306
703.822.5417

Commissioner Roel C. Campos (USAF -1971)
2007
U.S. Securities and Exchange Commission
100 F Street, N.E.
Washington, DC 20549-0213

February 14,

FAXED 02-14-07 (202.772.9295) & EMAILED

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2nd Request – 02-23-07
3rd Request – 02-28-07
4th Request - 03-02-07
5th Request - 03-07-07
6th Request - 03-12-07
7th Request - 03-20-07
8th Request - 03-30-07
9th Request - 04-02-07
10th Request - 04-15-07

11th Request 04-20-07
12th Request 04-25-07
13th Request 04-27-07
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60th Request 11-15-07
61st Request 11-18-07
62nd Request 11-20-07
63rd Request 11-23-07
64th Request 11-27-07
65th Request 11-30-07
66th Request 12-03-07
67th Request 12-05-07

68th Request 12-06-07

69th Request 12-24-07

Roel: Did you read David Patch's excellent article last week about the crooked SEC? See
STOCKGATE TODAY
An online newspaper reporting the issues of Securities Fraud

Is SEC a Breeding Ground for Future Fraud? - August 17, 2007 **David Patch**

The mission of the Securities and Exchange Commission as stated on their web site is to "protect investors, maintain fair, orderly, and efficient markets, and facilitate capital formation." Could it be that left out of the mission statement was "and breed future crooks and criminals"?

More and more these days we are being exposed to the pedigree of some past and present SEC Attorney's and leaders who have used their stature to violate the law.

The most public display of malfeasance within the agency is illustrated in the joint Senate Judiciary and Financial Services investigation into the termination of Gary Aguirre. The report issued at the conclusion to the Senate investigation detailed in great length the wrongful termination of an SEC Attorney looking to bring an enforcement action against a potential but politically connected crook. Hidden in the bowels of this report was something more sinister to consider, that of the integrity of some who wear or have worn the badge of the SEC.

The crooked cop's so to speak.

In the report were details of how several past and present SEC attorney's actually misled the Senate investigators in the Senate's quest for the truth. The SEC, responsible for enforcement against those that provide false or misleading information, engaged directly in the dissemination of false or misleading information in an attempt at self-preservation.

When asked why Gary Aguirre was terminated SEC Branch Chief Robert Hanson opined that one such cause for termination was the failure by Aguirre to submit for review subpoenas before issuance. Hanson was later called to the carpet on this statement as e-mails exposed evidence that such subpoenas were in fact provided for review prior to issuance.

Why the lie? Isn't a lie in a formal inquiry perjury? Was what Hanson did no less despicable than when Martha Stewart lied in an act of self-preservation and got caught?

Likewise, when former Associate Director Paul Berger was interviewed on when his relationship with his present employer Debevoise & Plimpton initiated Berger gave the less than truthful answer of January 2006 instead of the actual timeframe of September 2005. The difference in the dates having significance to the conflicts of interest between Debevoise and an enforcement case Berger was a party to, the Aguirre's case against John Mack.

While the Senate investigation concluded that Berger's relationship did not have any direct outcome in the eventual SEC decisions, the fact that Berger attempted to cover it up implies some personal level of unease.

Berger lied in a formal inquiry and that lie only came to truth based on digging deeper into the facts, not by Berger coming clean. To lie in a formal congressional inquiry is an act of perjury as defined under Federal law.

But Berger and Hanson are neither the first nor the last to act unprofessionally while representing the Commission and the integrity of the Commission.

In June of this year the SEC brought fraud charges against two lawyers who had engaged in a penny stock scam. One of the lawyers charged was Phillip W. Offill Jr, a former SEC enforcement official in the Ft. Worth Office of the Commission. The complaint filed indicates that while Offill had not participated in the selling of stock in the scam he profited from legal services he provided while being in full knowledge that the scam was taking place.

Remind you of the old lawyer for the mob stories you used to hear about.

This week, former SEC Chairman Richard Breeden sent out a memo to shareholders of H&R Block and in the memo he misrepresented the facts. As an activist shareholder running his namesake hedge fund Breeden presented to H&R Block shareholders a proxy that would place his proposed team on the board of the company and he stated that the present board of the company agreed with such a vote.

The problem, H&R Block's board was not in agreement with the vote. In fact they opposed it.

Like Hanson and Berger, Breeden simply claimed ignorance. A typo was the response and promised to correct the mistake. Ah yes, the infamous typo. Agreed and opposed are spell so similarly that it could easily be confused.

Breeden represents the top position at the SEC. He uses these credentials to get investors to come into his fund and he uses his credibility as part of his activist intentions. He is fully aware that when the financial media covers his activism the reports do not simply close at Richard Breeden Hedge Fund activist they follow through with 'former Chairman of the SEC'.

The SEC has no excuse for not throwing the book at Breeden. They have to seek him out and investigate his actions.

The SEC is an agency dedicated to rooting out and taking enforcement action against those that attempt to manipulate a market through the use of false and misleading information and Breeden was once the top dog in that agency. To allow the credibility of that position be diminished by ignoring the acts of this once top dog is doing a disservice to those who put the trust in the integrity of the agency itself.

How can there be confidence in the agency when such former ranking officials then go out into the industry they once policed and commit the crimes they once enforced?

My personal favorite smoke and mirror show involves present Asst. Director of Market Regulations James Brigagliano.

Jimmy as I call him responded in writing to a 2004 inquiry made by Senator Paul Sarbanes and flat out misrepresented facts in order to redirect the attentions of Senator Sarbanes. What is worse, after Brigagliano and other ranking officials at the SEC, including former Inspector General Walter Stachnik, were informed of this misleading document a more appropriate response was never provided.

In 2004 Brigagliano had blamed the issues raised in April 2003 e-mails drafted by several members of Wall Street on a corporate action he fully details in his memo. The problem of course being that the corporate action he places the blame on was transacted in June of 2004 and therefore totally unrelated to the concerns raised in the April 2003 e-mails.

Why the misdirection? It was a simple inquiry asking for a response to documented and date stamped e-mails. Why dedicate effort to come out with an excuse that does not pass the smell test? Does Jimmy not recognize that April 2003 comes long before June 2004 and thus an event in April 2003 can in no way be attributed to a June 2004 action?

Now we all know that you can find bad apples anywhere including the halls of Federal Buildings. The question I ask is, has the SEC become a breeding ground for future crooks who will use their SEC experience on their resume to get a clean health check for their illegal actions. Does Government immunity provide some with the wrong sense of security and thus lead them into committing the fraud they were once employed to uphold?

In the real world, when a bad cop is rooted out the penalties handed down by the Judge is usually stiffer than that handed down to another because the cop took an oath to protect the people and the people put blind faith in that role. These past and present SEC attorney's, those who continue to act irresponsibly need to be treated in a similar fashion. The message must be sent out that to carry the honor and recognition of the

SEC on their resume will be treated with greater penalty if they violate the trust they once were engaged in protecting.

How can people not put into question the actions of these attorneys while they worked at the agency when we see how they act today?

Chairman Cox, this is your ship now how do you plan on steering it back on course? Right now the agency is looking like a ship headed for an iceberg and those that will perish in the crash will be the investing public you are commissioned to protect. Those investors looking to "secure their futures, pay for homes, and send children to college."

**For more on this issue please visit the Host site at www.investigatethesecc.com
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Roel

I just discovered while viewing your SEC website that you are a fellow service academy graduate – Air Force Academy (1971). I graduated from West Point the same year you graduated from the Air Force Academy. I'm writing to you because your service academy education confirms that you are **intelligent enough** to realize the seriousness of the problem of illegal naked shorting. I'm just hoping that you are **honest enough** to admit that illegal naked shorting is a serious problem and **courageous enough** to immediately stop the illegal naked shorting. We don't need new laws and regulations. Naked shorting has been and still is illegal!

For your information, I have attached a copy of my unanswered letter to Marshall Carter, the Chairman of the NYSE Group, Inc. I doubt I will ever receive a truthful response from him to the serious problem of illegal naked shorting. To put the problem that illegal naked shorting is creating for the leaders of American public companies such as Phil Smith, the founder of Taser International in your bureaucratic prospective, would you be **honest enough** to admit and **courageous enough** to take immediate action if, for example, your SEC Commission Chairman Christopher Cox stated after a vote by you SEC commissioners that the final vote was 12 for and only 4 oppose to a certain motion? Based on the fact that there are only five (5) of you commissioners, something would be seriously wrong with Chairman Cox's vote count since it totals sixteen (16) – eleven (11) more than the actual number of you commissioners. Please think of the problems that illegal naked shorts created and are still creating at Taser and many other public companies. **Phil ended up with twenty (20) million more votes than he has shares and you SEC commissioners did nothing** (*see attached copy of my letter to my fellow West Pointer Marshall*). **Why didn't you do anything? Something was obviously wrong!**

I anxiously await your response and your immediate action to stop illegal naked shorting. By the way, after your review, I would greatly appreciate you forwarding my attached letter to Marshall.

Thanks –

Stephen H. Rosenberg

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U.S. Military Academy – 1971
Woodrow Wilson College of Law - 1979
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CC:

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U.S. Senator Lott, Trent (R-MS)
U.S. Senator Lugar, Richard G. (R-IN)
U.S. Senator Martinez, Mel (R-FL)
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U.S. Senator Reed, Jack (D-RI) – My Cowardly 1971 West Point Classmate

U.S. Senator Reid, Harry (D-NV)

U.S. Senator Roberts, Pat (R-KS)
U.S. Senator Rockefeller IV, John D. (D-WV)
U.S. Senator Salazar, Ken (D-CO)
U.S. Senator Sanders, Bernard (I-VT)
U.S. Senator Schumer, Charles E. (D-NY)
U.S. Senator Sessions, Jeff (R-AL)
U.S. Senator Shelby, Richard C. (R-AL)
U.S. Senator Smith, Gordon H. (R-OR)
U.S. Senator Snowe, Olympia J. (R-ME)
U.S. Senator Specter, Arlen (R-PA)
U.S. Senator Stabenow, Debbie (D-MI)
U.S. Senator Stevens, Ted (R-AK)
U.S. Senator Sununu, John E. (R-NH)
U.S. Senator Tester, Jon (D-MT)
U.S. Senator Thomas, Craig (R-WY)
U.S. Senator Thune, John (R-SD)
U.S. Senator Vitter, David (R-LA)
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U.S. Senator Warner, John (R-VA)
U.S. Senator Webb, Jim (D-VA)
U.S. Senator Whitehouse, Sheldon (D-RI)
U.S. Senator Wyden, Ron (D-OR)

Stephen H. Rosenberg

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Marshall N. Carter (**USMA-1962**)
2007
Chairman – NYSE Group, Inc.
11 Wall Street
New York, NY 10005
212.656.3000

February 9,

FAXED 02-12-07(212.656.4535)

Marshall:

One of our fellow West Pointers informed me last week that you recently responded to a question concerning illegal naked shorting from an employee of Scott & Stringfellow, Inc. which is a wholly-owned non-bank (*securities firm*) subsidiary of BB&T bank by stating that you “**DON’T CONSIDER IT TO BE A SERIOUS PROBLEM.**”

I am absolutely appalled that as chairman of the NYSE Group, Inc. and even more so as a West Point graduate that you would make such a blatant lie.

If you actually have any doubt concerning the seriousness of illegal naked shorting, please call any or all of my friends/acquaintances who are, as I am, **well familiar** with the seriousness of illegal naked shorting such as:

Patrick Byrne – Chairman of Overstock.com who last week filed a lawsuit against illegal naked shorting

Mark Faulk – Editor - Faulking Truth newsletter

Jeff Goss – One of founders of JAG Media

John Magrath – Investor

Thomas Montrone - President and CEO of Registrar & Transfer Company and my 1971 West Point classmate

Dave Patch – Founder of the website - www.investigatethesec.com

Phil Smith – Founder of Taser International and our fellow West Pointer (USMA-1961)

Dr. Susanne Trimbath – Chief Executive Manager of STP Advisory Services

I anxiously await your acknowledgement of the seriousness of illegal naked shorting. Please feel free to call me if you need the telephone number for any of the above listed individuals.

I hope you haven't forgotten that as a West Point graduate you are, even though you are now the Chairman of the NYSE, still expected to always tell the truth.

Thanks –

Stephen H. Rosenberg

Stephen H. Rosenberg

U.S. Military Academy – 1971

Woodrow Wilson College of Law - 1979

StRoseAsso@aol.com

PS – I really got a good laugh from the response I received from our fellow West Pointer Phil Smith when I requested his approval to use his name in this letter to you. Phil stated

in his email to me – **“IS MARSHALL CARTER ON THIS PLANET EARTH? WE AT TASR HAD A VOTE IN 2005 WITH 60M+ SHARES AUTHORIZED AND 80M+ SHARES VOTED--WE TOOK IT TO THE SEC WHO PROVIDED A GIANT YAWN!”**

CC:

U.S. Senator Akaka, Daniel K. (D-HI)
U.S. Senator Alexander, Lamar (R-TN)
U.S. Senator Allard, Wayne (R-CO)
U.S. Senator Baucus, Max (D-MT)
U.S. Senator Bayh, Evan (D-IN)
U.S. Senator Bennett, Robert F. (R-UT)
U.S. Senator Biden, Jr., Joseph R. (D-DE)
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U.S. Senator Durbin, Richard J. (D-IL)

U.S. Senator Ensign, John (R-NV)
U.S. Senator Enzi, Michael B. (R-WY)
U.S. Senator Feingold, Russell D. (D-WI)
U.S. Senator Feinstein, Dianne (D-CA)
U.S. Senator Graham, Lindsey (R-SC)
U.S. Senator Grassley, Chuck (R-IA)
U.S. Senator Gregg, Judd (R-NH)
U.S. Senator Hagel, Chuck (R-NE)
U.S. Senator Harkin, Tom (D-IA)
U.S. Senator Hatch, Orrin G. (R-UT)
U.S. Senator Hutchison, Kay Bailey (R-TX)
U.S. Senator Inhofe, James M. (R-OK)
U.S. Senator Inouye, Daniel K. (D-HI)
U.S. Senator Isakson, Johnny (R-GA)
U.S. Senator Johnson, Tim (D-SD)
U.S. Senator Kennedy, Edward M. (D-MA)
U.S. Senator Kerry, John F. (D-MA)
U.S. Senator Klobuchar, Amy (D-MN)
U.S. Senator Kohl, Herb (D-WI)
U.S. Senator Kyl, Jon (R-AZ)
U.S. Senator Landrieu, Mary L. (D-LA)
U.S. Senator Lautenberg, Frank R. (D-NJ)
U.S. Senator Leahy, Patrick J. (D-VT)
U.S. Senator Levin, Carl (D-MI)
U.S. Senator Lieberman, Joseph I. (D-CT)
U.S. Senator Lincoln, Blanche L. (D-AR)
U.S. Senator Lott, Trent (R-MS)
U.S. Senator Lugar, Richard G. (R-IN)
U.S. Senator Martinez, Mel (R-FL)
U.S. Senator McCain, John (R-AZ)
U.S. Senator McCaskill, Claire (D-MO)
U.S. Senator McConnell, Mitch (R-KY)
U.S. Senator Menendez, Robert (D-NJ)
U.S. Senator Murkowski, Lisa (R-AK)
U.S. Senator Murray, Patty (D-WA)
U.S. Senator Nelson, Bill (D-FL)
U.S. Senator Nelson, E. Benjamin (D-NE)
U.S. Senator Obama, Barack (D-IL)
U.S. Senator Pryor, Mark L. (D-AR)

U.S. Senator Reed, Jack (D-RI) – My Cowardly 1971 West Point Classmate

U.S. Senator Reid, Harry (D-NV)

U.S. Senator Roberts, Pat (R-KS)
U.S. Senator Rockefeller IV, John D. (D-WV)
U.S. Senator Salazar, Ken (D-CO)
U.S. Senator Sanders, Bernard (I-VT)
U.S. Senator Schumer, Charles E. (D-NY)
U.S. Senator Sessions, Jeff (R-AL)
U.S. Senator Shelby, Richard C. (R-AL)
U.S. Senator Smith, Gordon H. (R-OR)
U.S. Senator Snowe, Olympia J. (R-ME)
U.S. Senator Specter, Arlen (R-PA)
U.S. Senator Stabenow, Debbie (D-MI)
U.S. Senator Stevens, Ted (R-AK)
U.S. Senator Sununu, John E. (R-NH)
U.S. Senator Tester, Jon (D-MT)
U.S. Senator Thomas, Craig (R-WY)
U.S. Senator Thune, John (R-SD)
U.S. Senator Vitter, David (R-LA)
U.S. Senator Voinovich, George V. (R-OH)
U.S. Senator Warner, John (R-VA)
U.S. Senator Webb, Jim (D-VA)
U.S. Senator Whitehouse, Sheldon (D-RI)
U.S. Senator Wyden, Ron (D-OR)