

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1161/January 10, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-15628

In the Matter of

DANIEL IMPERATO

ORDER

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, the parties were notified, among other things, that: they must communicate with this Office by formal filings only, I will reject any further communications made to this Office that are not filed with the Office of the Secretary, and all papers must be served on each party in this proceeding. Daniel Imperato, Admin. Proc. Rulings Release No. 1100, 2013 SEC LEXIS 3909. On December 19, 2013, Imperato was again reminded that all papers must be served on each party in the proceeding; two of his filings were stricken from the record due to his failure to serve them on the Division of Enforcement (Division). Daniel Imperato, Admin. Proc. Rulings Release No. 1117, 2013 SEC LEXIS 4028.

At a January 2, 2014, prehearing conference, a procedural schedule was established, in which Imperato's Answer to the OIP is due January 22, 2014; motions for summary disposition are due February 19, 2014; oppositions are due March 7, 2014; and replies, if any, are due March 17, 2014. Daniel Imperato, Admin. Proc. Rulings Release No. 1142, 2014 SEC LEXIS 6 (Jan. 3, 2014).

On January 9, 2014, Imperato sent an e-mail to this Office. He neither copied the Division on that e-mail nor is there any indication that the e-mail was a courtesy copy of a formal filing made with the Office of the Secretary and served on the Division.

With respect to Imperato's questions raised in his e-mail about the filing of motions for summary disposition, he should refer to the transcript of the January 2, 2014, prehearing conference. Commission Rule of Practice (Rule) 302(b) governs the availability of transcripts. See 17 C.F.R. § 201.302(b). If Imperato wishes to obtain a transcript, he should contact the court reporter, Diversified Reporting Services, at (202) 467-9200.

With respect to any other procedural concerns that Imperato may have, he should refer to the Commission's Rules of Practice. Rule 220 governs answers and provides in relevant part:

[A]n answer shall specifically admit, deny, or state that the party does not have, and is unable to obtain, sufficient information to admit or deny each allegation in the [OIP]. When a party intends in good faith to deny only a part of an allegation, the party shall specify so much of it as is true and shall deny only the remainder. A statement of a lack of information shall have the effect of a denial.

17 C.F.R. § 201.220(c). Rule 250 governs motions for summary disposition. See 17 C.F.R. § 201.250. The text of Rule 250 and all of the Commission's Rules of Practice referenced in this Order are available online at <http://www.sec.gov/about/rulesofpractice.shtml>.

Pursuant to Rule 111(d), I implement or reiterate the following measures:

It is ORDERED that unless otherwise directed, Imperato shall not call this Office, the Office of the Secretary, or any other office or division of the Commission regarding this proceeding. If Imperato is unclear about the proper procedure or seeks clarification of an order, he should file a written motion for clarification in accordance with the procedures discussed in this Order and the Commission's Rules of Practice.

It is further ORDERED that unless otherwise directed, Imperato's communications with this Office must be in writing and filed in hardcopy with the Office of the Secretary, pursuant to Rules 151 and 152. See 17 C.F.R. §§ 201.151, .152. I will reject any further communications made to this Office that are not filed with the Office of the Secretary. The mailing address for filings is: Office of the Secretary, U.S. Securities and Exchange Commission, 100 F Street N.E., Mail Stop 1090, Washington, D.C. 20549. Filings made with the Office of the Secretary must include an original and three copies. Courtesy copies of filings may be transmitted to this Office by e-mail at alj@sec.gov. However, Imperato must copy the Division on all e-mails sent to this Office, and ex parte communications are prohibited. Furthermore, e-mail does not substitute for a required hardcopy filing with the Office of the Secretary.

It is further ORDERED that all motions, briefs, and other papers must be served on each party in this proceeding and must be accompanied by a certificate of service, pursuant to Rules 150(a) and 151(d). 17 C.F.R. §§ 201.150(a), .151(d). Unless the parties agree to accept service by e-mail, service must be made by one of the means specified in Rule 150(c). 17 C.F.R. § 201.150(c). Any filing that fails to meet these requirements may be stricken. 17 C.F.R. § 201.180(b).

It is further ORDERED that any impertinent matter contained in any brief or pleading may be stricken. 17 C.F.R. § 201.152(f).

Cameron Elliot
Administrative Law Judge