

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1100/December 12, 2013

ADMINISTRATIVE PROCEEDING
File No. 3-15628

In the Matter of

DANIEL IMPERATO

ORDER POSTPONING
HEARING AND
SCHEDULING PREHEARING
CONFERENCE

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 (Exchange Act). The OIP alleges that a federal district court has permanently enjoined Imperato from future violations of Sections 5 and 17 of the Securities Act of 1933; Sections 10(b), 13(a), 13(b)(2)(A), 13(b)(2)(B), 13(b)(5), and 15(a) of the Exchange Act; Exchange Act Rules 10b-5, 12b-20, 13a-1, 13a-11, 13a-13, 13b2-1, 13b2-2, and 13a-14; and Section 34(b) of the Investment Company Act of 1940, in SEC v. Imperiali, Inc., 9:12-cv-80021 (S.D. Fla. Nov. 8, 2013). A hearing is scheduled for January 2, 2014, in this proceeding.

Imperato left a voicemail with this Office, requesting that the hearing date be postponed. He also submitted two documents, dated November 30 and December 1, 2013, respectively (Imperato's Filings), which do not meet the requirements of an Answer pursuant to Rule 220 of the Commission's Rules of Practice, 17 C.F.R. § 201.220, but may have been intended as an Answer or Answers. It appears that Imperato was served with the OIP on or before November 30, 2013.

It is ORDERED that the hearing currently scheduled for January 2, 2014, is POSTPONED sine die, and a telephonic prehearing conference will be held on January 2, 2014, at 11:30 a.m. EST. It is further ORDERED that Imperato shall make no further filings between now and the prehearing conference, unless it pertains to the scheduling of the prehearing conference. Among the topics to be discussed at the prehearing conference are the schedule for filing an Answer, the requests made in Imperato's Filings, and the exact date of service. The Division of Enforcement need not respond to Imperato's Filings at this time.

If the parties desire a different date or time for the prehearing conference, they should confer and jointly notify this Office.

Unless otherwise directed, the parties are notified that they must communicate with this Office by formal filings only. Any impertinent matter contained in any brief or pleading may be stricken. 17 C.F.R. § 201.152(f). I will reject any further communications made to this Office that are not filed with the Office of the Secretary. All papers must be filed in hardcopy with the Office of the Secretary, pursuant to Rules 151 and 152 of the Commission's Rules of Practice, which can be accessed at <http://www.sec.gov/about/rulesofpractice.shtml>. See 17 C.F.R. §§ 201.151, .152. 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 email at alj@sec.gov.

Imperato's Filings were not accompanied by a certificate of service, and there is otherwise no evidence that they were served on the Division. The parties are reminded that 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). The parties are also reminded that, 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). Any filing that fails to meet these requirements may be stricken. 17 C.F.R. § 201.180(b).

Cameron Elliot
Administrative Law Judge