

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

Administrative Proceedings Rulings
Release No. 6284 / November 2, 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 Scheduling
Prehearing Conference**

The Securities and Exchange Commission instituted this proceeding on April 23, 2015, with an order instituting proceedings (OIP) alleging that Respondents willfully violated Sections 5(a), 5(c) and 17(a) of the Securities Act of 1933, Sections 10(b), 15(a) and 20(a) of the Securities Exchange Act of 1934, and Rule 10b-5. OIP at 14. Edward M. Daspin, appearing pro se, is the only remaining Respondent.¹

The proceeding was assigned to me for a new hearing on September 12, 2018. See *Pending Admin. Proc.*, Admin. Proc. Rulings Release No. 5955, 2018 SEC LEXIS 2264, at *2, *4 (ALJ Sept. 12, 2018). Given the Commission’s language in its August 22, 2018 order that “[t]he assigned ALJ shall exercise the full powers conferred by the Commission’s Rules of Practice and the Administrative Procedure Act and shall not give weight to or otherwise presume the correctness of any prior opinions, orders, or rulings issued in the matter,” I consider that we are starting afresh. *Pending Admin. Proc.*, Securities Act Release No. 10536, 2018 SEC LEXIS 2058, at *3-4.

¹ Lawrence R. Lux and Luigi Agostini settled with the Commission. *Edward M. Daspin*, Securities Act Release No. 9963, 2015 SEC LEXIS 4287 (Oct. 16, 2015); *Edward M. Daspin*, Securities Act Release No. 10243, 2016 SEC LEXIS 4086 (Nov. 1, 2016).

In response to my order directing the parties to submit proposals for the conduct of further proceedings, *Edward M. Daspin*, Admin. Proc. Rulings Release No. 5988, 2018 SEC LEXIS 2373 (ALJ Sept. 17, 2018), the Division proposed a procedural schedule.² In its filing, the Division states that it was unable to confer with Daspin. Daspin did not respond to the order.

I ORDER a telephonic prehearing conference on Wednesday, November 14, 2018, at 10:30 a.m. EST. At the prehearing conference, the parties should be prepared to discuss/adopt the following:

1. Whether Daspin wants to amend his answer to the OIP.
2. Whether the parties can agree that certain material already on file in the docket should be considered as evidence. If there is no agreement with respect to previously submitted material, I will decide whether the Division has carried its burden of proof on the allegations in the OIP using only evidence that I admit into the new hearing record.
3. The schedule proposed by the Division. The proposed schedule appears reasonable but the dates need to be extended, and there needs to be agreement on a possible hearing location.
4. The need for a protective order.

Daspin is on notice that failure to participate in the prehearing conference may be grounds for default. 17 C.F.R. §§ 201.155(a)(1), .221(f); *see also Pending Admin. Proc.*, 2018 SEC LEXIS 2058, at *4.

Brenda P. Murray
Chief Administrative Law Judge

² I will not deal at this time with other filings since the proceeding was assigned to me on September 12, 2018, specifically Respondent's filings on September 13, 14, and 17 and October 30, 2018, and the Division's September 5, 2018, response to Respondent's August 28, 2018, filing. At this juncture, I must first set a procedural schedule for the proceeding that will establish an evidentiary record on which to decide the allegations in the OIP.