

3-15095

Dear Sirs:

I am writing this answer to Aaron Arnzen of the Commission regarding my dismissal of sanctions and reinstatement request. Mr. Arnzen is factually incorrect in many of his allegations. First of all at the beginning of my exam before trial in Rochester NY, I alerted Mr. Arnzen, emphatically on the record, I was on 4 medications [REDACTED]

[REDACTED] I am homeless because of Mr. Arnzen's actions and do not have access to emails on a regular basis. I also do not have a regular mailing address because I have to stay with friends in order to sleep inside.

Mr. Arnzen refers to the scheduling meeting of January 29th. He is correct. I was in Mr. Cole's office speaking to him on an arbitration matter that was regarding this matter. The arbitration case was however being paid by an insurance company. When, in his papers, Mr. Arnzen says that Mr. Mura was confirmed before-hand that he was fine with the conference. I want to bring to your attention that many dates were offered but none specifically and that I would be notified when a decision was made. Mr. Steve Cole, Esq., who I was sitting with, asked me if I had heard from the SEC about the upcoming hearing and I said no I hadn't. I did eventually receive the notice on the next day, January 30th. I have sent you a copy of the postmarked envelope that I received.

Mr. Arnzen previously was courteous enough to inform me what was happening and where I needed to be but in this case he failed to do so for whatever reason, I don't know. I can only guess that it was to shirk his responsibility against these ridiculous and baseless claims that

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are being leveled against me. **I DID NOT IGNORE THIS HEARING. I WAS NOT AWARE OF IT AND I RESPECTFULLY DEMAND THAT I BE ALLOWED DUE PROCESS WHICH I AM CURRENTLY BEING DENIED.**

Mr. Arnzen talks about solicitation of investors for the companies that are in question here. I was not in charge. I did not solicit anyone and in fact was only a 17% member. Unfortunately, Mr. Arnzen and the SEC had an axe to grind against me because I verbalized my strong opposition to their overzealous attack and inhumane tactics used against Ted Tackaberry. I attended a deposition to answer questions that the SEC had regarding Mr. Tackaberry with a David Stolting for the SEC with my attorney at the time James Phillipone. I warned Mr. Stolting and told him at that time that Mr. Tackaberry was not doing anything illegal but just trying to make a living and that the actions of Mr. Arnzen and Mr. Stolting were killing him. Well lo and behold, Mr. Tackaberry died last month of a massive heart attack.

Every plaintiff mentioned in this case with the SEC have signed off and released me from any further obligation to them. I have not produced a list of witness because Mr. Arnzen has the burden of proof that I am guilty of something. He cannot accomplish this and a simple hearing documenting the perjury in the documents that were served on me by the Pearl Law Firm, which represented plaintiffs in the arbitration case, will be absolutely enough to prove my innocence.

Additionally, as Mr. Arnzen mentions in his answer, the charge is neither solicitation nor misuse of funds. It is failure to register securities. I was not in charge of any paperwork and Mr. Arnzen has nothing with my signature on it that would incriminate me nor does he have an email from me to anyone that implicates me. An award of \$850,000 is arbitrary and capricious. Not

only has it been attempted to intimidate me but to get even for my standing up and trying to defend Mr. Ted Tackaberry regarding his life after his bout with the SEC.

I did not have any idea that there was a hearing on January 29th or I would have been on the call. I cooperated with Mr. Arnzen and everyone else at the SEC on every other call, filing, request, and any other process. You have to ask yourself, why would I ignore this hearing when I was attentive to every other request made of me?

Mr. Arnzen says in his papers that I am surrounded by attorneys. This is true because they were my clients and confided in me about the most sensitive matters of their lives. The actions of each person in the SEC are a complete overkill and a deprivation of my civil rights. A pro se litigant is afforded significant latitude and missing a telephonic phone call does not match the penalty of \$850,000. I would also like to point out that Mr. Arnzen offered Mr. Steven Cole, Esq. to drop charges if I simply turned in my license. At the time, because I only have a 10th grade education, being a stock broker for over 20 years was my only possible chance to earn a living and take care of my family. Failure to register would not and could not have changed the outcome of these companies one bit. And I am ready to prove without any doubt that any witness that Mr. Arnzen might have and it is my firm belief that no one will show, and if they did I can prove that any accusations against me are a boldface lie. Members of the SEC have told me in their own words that if I had cooperated with them against Mr. Tackaberry, action against me would never have happened. How, pray tell, could these actions become so egregious now. I implore you to set aside the default and eliminate any fines levied against me by the exchange. I also implore you to check the record of my examination before trial and see that I fully explained my dilemma regarding my [REDACTED] disease and the medication I take. Please also note that

the first paragraph in Mr. Pearl's introduction in his complaint with FINRA said Mura albeit with 20 years of inactivity on his record became involved with Ted Tackaberry implying that I had no regulatory past.

Let me just say this in closing, I was a 17% member of an LLC and had no responsibilities for management which has been taken credit for by David Weaver, that he was the one handling all documentation. I just happened to be unlucky enough to have a broker's license and now everyone points a finger at me.

This case should never have been brought against me and missing a telephonic conference is the sole reason for dismissal and ruination of a life forever is beyond any prudent man's comprehension.

On page 8, Mr. Arnzen mentions David Weaver on many occasions stating that I told Weaver to do certain things. I would like to point out to the Commission that Weaver is now embroiled in another case exactly as this one. Stealing client's money and making up papers to deceive them. Again on page 8, Mr. Arnzen rambles on about Mura told this one to do this and this one to do that and he also speaks of my 20 years in the business and I should "know better". Well I didn't deal in LLC's as a broker and was as lacking in knowledge about the rules and regulations of an LLC as anyone else.

Please give me the opportunity to tell my side of the story and I firmly believe the Commission will see there are two sides to every coin.

The sanctions imposed against me should be overturned because anything short of that would be a complete denial of my constitutional rights to due process. I cannot establish at this time that I have no money to pay because I don't have any money to pay accountants and attorneys to recreate the mess I have been put in. Being 17%, owner of an LLC not participating in any of the paperwork certainly does not deserve an \$850,000 sanction without affording the individual all his rights according to the law. I look forward to fair minded men making this right and allowing me to tell my side of the story.

Common sense tells you that if a date and time certain were established on this January 23rd conference call, a letter notifying me of the time and date would not be necessary but, on this call of January 23rd, several dates were given as option and I agreed to any one of them and I was waiting for a response from the SEC to tell me when this teleconference was scheduled. Mr. Cole will tell you that on the 29th, I was in his office asking him why he thought that I had not been notified of the teleconference and then I also notified him the next day that I received it on the 30th and the call was for yesterday and what should I do now. Please take note of the postmark on the envelope that contained the letter of notification.

I was given options for times and dates on this previous call and was told that I would be advised of which time and date would be scheduled.

Sincerely,

A handwritten signature in cursive script, appearing to read "David J. Mura". The signature is written in dark ink and is positioned above the printed name.

David J Mura