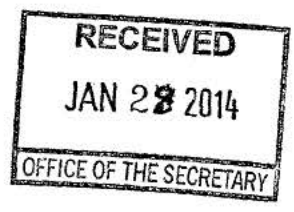


original

United States of America  
before the  
Securities Exchange Commission  
100 f St. Ne Washington D.C. 20549 -1019

Release no. 70959/ Nov. 27<sup>th</sup> ,2013  
Administrative proceeding  
File no. 3 - 15628.



Jan 20th 2014

In the matter of Daniel Imperato  
Respondent.

Dear Elizabeth M. Murphy Secretary

Respondent response and excepts the opportunity that will clear his name. He denies all allegations (DE167) made against him as well as request s and vacates the judgments ordered, Merited by the united states securities exchange commission conspired with the southern district court of Florida in violations of Imperato s constitutional rights, judiciary acts and procedural rules of the court. (DE 129) (DE 150) As a matter of law of the land the judgments shall be repugnant and the aggrieved party shall be awarded damages and a reversal summary disposition . Exhibits attached and in dockets of both lower court# 912-cv-80021-klr and appellate court.# 13-14809-ff and sent to the 5 member comssiononiers.

**Intentional misstatements or omissions of fact may constitute criminal violations of 18 U.S.C. 1001, et seq. and other provisions of law. Rule 180. Sanctions(see transcript hearing nov.6<sup>th</sup> 2013 after the fact) (17subpart (b),17 cfr201.31 (usc 504) ,17cfr 201.32 ) as well as civil rights ,due process of law and jury trail repugnant to the us constitution.**

Allegations and violations denied ( see responses to complaints (de 20-25 and de 167 GENERAL DENIAL OF CLAIMS) )by respondent are as follows in accordance with the original order served IMPERATO on dec. 18<sup>th</sup> 2013 with a response date due and post marked on or before Jan 22<sup>nd</sup> 2014. In accordance with the order to be served to :

Elizabeth M Murphy ,Honorable Brenda P Murray ,Mr. Timothy S. Mc Cole Esq.

**summary**

**Rule 202, respondent objects to these proceedings that pertain to (15 b) which should be stricken leaving the other parts of the order in effect, based on the fact that the respondent has not been involved with a municipal bond offering , the 15 (b) does not appear in the original complaint or the final ill begotten**

judgment, nor has he ever been a broker dealer or acted as a broker of any securities.

s.1 In addition I am subpoenaing report of mike banyans 1998 -2002 final report and determinations of the commissions review is pertinent to the record and he and his determinations are required to be present in these hearings. Based on the false claims that the company had 0 assets and was a shell which is impossible and false .( 15 b ) claims are bogus and being used against respondent based on the lower court case which proves the attacke and genuine material factual evidence against very essential elements of the commissions case of imperiali having no assets is false .the (15 b )is being used to stop me from funding my cable projects ( de 198 ) transcript page 13 lines 10-21. The final judgments entered are repugnant to the united states constitution and shall be void as a matter of constitutional law as well as the fact that the final judgments were based on recommendations made to the Judge Ryskamp when in fact the magistrate had no legal authority to recommend such as well as the recommendations (foot notes ) dis allowing for any rebuttal as to the claims made the summary judgment a final judgment ordered by a non consented magistrate ,please provide the consent forms required by law( usc 686 ) as to the magistrate s authorization pertaining to the rules of the magistrate and the acts 1979, (see mc cabe) that accompanies such rules. The respondent cant not submit a proper cross examination with out first reviewing the summary disposition from the commission there fore the judge Elliot's order of the respondents right to file a cross would be improper when he ordered it to be filed at the same time the commission filed their summary disposition, the respondent must review the commissions summary disposition as well as have all documents under discovery and subpoena in hand and reviewed in order to make a proper cross summary reversals of dissolution. The statutes of limitations (28 U.S.C. § 2462 ) started running dec. 2005 when case began and has run out prior to the filing of the case jan 9<sup>th</sup> 2012. In addition the commission has not provided sufficient evidence under burden of proof that the respondent will fully deceitfully has il gotten gains and it cant not prove such as any sienter because the assets were and are real based on genuine material factual hard physical evidence of disputed claims and affidavits as well as public internet statistics proving the commissions claims as false.( way back machines),(de 198 ) ( page 14 ) (supported by affidavits attached)and prior sec. reviews proven the assets existed as well as costs paid to engineers and other proven by the operation procedures and book keeping and records of payments to third parties for services related to building the assets. As well as proper valuation processes under bdc rules 34 &40 acts.

(de 179,184 ) The commission can not prove the assets were not existing because that is a false statements and false claims.( de 172,179,184)

**The respondent compiled with bdc rule AND HAS INSURANCE (DE 171)**

**See Ronald W. Breaux & Jeremy D. Kernodle**

**See MARC J. GABELLI AND BRUCE ALPERT, PETITIONERS V. SECURITIES AND EXCHANGE COMMISSION No. 11-1274**

**( statute of limitations ran out and this case should have been vacated since the case began in 2005 )(28 U.S.C. 2462 )** The five-year limitations period in 28 U.S.C. 2462 did begin to run when the Commission discovered, or with reasonable diligence could have discovered, petitioners' alleged fraudulent scheme .....  
**The fraud discovery rule balances the need for repose against the need to prevent abuse of limitations statutes (.28 U.S.C. 1658(b)(1) and (2))**

As follows response;

Let be known by the commission and the law judges that it is not possible to response with my cross summary disposition until such time that I receive all the documents requested by the enclosed subpoena concerning the allegations and alleged repugnant judgments and violations that have not been proven beyond a reasonable doubt in accordance with the united states constitutional rights of a trail by jury of peers.

Corum nobis

**Pursuant to ;( respondents rights preserving and invoking his rights)**

**Rule 221, Rule 222, Rule 230,Rule 231,pursuant to the Jencks Act, 18U.S.C. 3500. For purposes of this rule, *statement* shall have the meaning set forthin 18 U.S.C. 3500(e),Rule 232, Rule 150, 17 CFR 203.8,Rule 233,Rule 235, Rule 240( settled and then vacated and breeched) , Rule 250, Rule 230,Rule 322, Rule 326,5 U.S.C. 556(a), Rule 440, Rule 151 , 17 CFR 240.19d-4, Rule 102(d) ,Rule 450,Rule 451,Rule 600, Rule 630,(Form D-A at § 209.1 ),Rule 900, oig reprot 496 and im -13-002 (violations)**

The Other defendants( Charles Fiscina settled 6 months prior to case and Larry O'Donnell auditor slap on wrist) whom where the accounts cpas and auditors are settled and respondent is being accused for all which is not probable ,possible or fair and must be proven by trial by jury .

s.2 Respondent is subpoenaing the Fiscina settlement and approval of said settlement minutes of the 5 member board of the commission as well as the disapproval of IMPERATO settlement along with mike banyans final reports and determinations, as well as all other documents under the freedom of information acts and under subpoena, In order to have a fair opportunity to file a cross reversal summary disposition and with out this evidence the respondent is being denied due process and can not respond properly or defend him self.

s.3 The respondent is subpoenaing the records of Laura Anthony esq. and the original privet placement as well as all the records of green burg trauwig esq.

s.4 The respondent is subpoenaing the records and communication between Charles fiscina and Larry O'Donnell so he can prove that he had not been part of the original complaint as well as had no knowledge of any errors until after the fact which were concealed by fiscina ( police reports and fiscina submissions as well as Hong Mai ( co secretary) and Lillian Rodriguez ( fiscina /chaplics assistant) and DAN MANGRU s own statement under oath) as well as brad hackers cps ,cfo. Files. In addition to which the southern districts (non consented) magistrate(18. usc 636 c)(rule 73), whom violated in concert with timothy mc Cole those rights as well as all court procedures ( rule 73,72,56, and judiciary acts of 1789) .

Hurtado v California, Griswold v Connecticut ,  
See 16 wall 36, (1873) article 4 of the original us constitution. Respondent demands protection from his government.

Sec. v Texas financial group, **28 U.S.C. § 2462** , Spencer c . barasch ,amin. proc. file no. 3-14891 rule 102 (e), Egan Jones v sec.

I

***The securities and exchange commission (commission deems it appropriate and in the public interest that a public administrative proceedings be, and hereby are instituted pursuant to section 15 (b ) of the securities act of 1934(exchange act ) ,against Daniel IMPERATO ( respondent or IMPERATO )***

Response : IMPERATO has not violated ant securities acts and all claims are false ,IMPERATO has not sold any securities as a broker nor did he sell securities concerning any municipality or municipal bond under sec. 15 (b) , Imperato denied all allegations concerning such proceedings ,but is will to cooperate to clear his name.  
The commissions lawyer mc ole sated on Jan. 31 st 2012 when IMPERATO asked for an administrative proceeding he was denied.

***Mc Coles emails attached "any administrative proceedings are unacceptable and declined by the commission) denying IMPERATO his rights once again under the 1934 bdc rule of . The commission did not order a cease and desist back in 2007 or 2008 and has failed to implement their own polices. See sec. rule . (Bdc) (de 179 )***

Genuine material factual evidence of disputed facts have been submitted and provide to the commission in 2007,2008 and again now in the southern district court (de 20-25,

de,113-121, de 184, de 179 ,de 172,)All in violations of the respondents fourth amendments rights and once again in the appeals court and now again in these proceedings . This is absurd and abuse of power by the commission enforcement s in order to keep the respondent in involuntary servitude and to over rule procedural laws and constitutional rights with a paper shuffle and paper court denying a trial by jury order by the Judge Ryskamp who vacated his own orders several times with no notice to the respondent by reopening a closed case and only part of the case which is illegal .

s.5 Respondent is subpoenaing the documents in the procession of the commission concerning the settlement agreement and minutes of the approved settlement of Charles fiscina on sept 22 2011 five moths prior to the case being filed against IMPERATO even though he was a defendant named in the case ,as well as the minutes of the meetings of the five member commission disapproving the settlement agreement witness by judge Palermo and signed by mc Cole then vacated signed on oct 11<sup>th</sup> 2012 made with IMPERATO. In addition Imperato is subpoenaing (dictation) of the court records of the reopening of the case by a **non consented magistrate judge** over ruling the senior judge ryskamp order of the case being close (not dismissed ) CLOSED on march 14<sup>th</sup> 2013 with no objections and with recommendations from the magistrate ( de 100 ,101 ,104)(de 111 settlement agreement) and reopen aug.28 by dictation with not clarification ,motion or order by the senior judge ryskamp.

**The order (OIP ) states as follows**

**II**

**After and investigation ,the division of enforcement alleges that**

**a. respondent**

**1. From 2005 through 2008 ,IMPERATO controlled a Florida corporation called imperiali inc.**

Response :false statements IMPERATO gave up control in nov. 2007 when the control was turned over to Kaiser himmel and Eric skies whom were later convicted of fraud and stolen all our assets.)( case #u.s. v skys 63f 3d 146 (2011) .

s.6 The respondent is subpoenaing all records of Larry O'Donnell cpa concerning the fbi, sec. both imperiali and Kaiser himmel.

**During the period imperiali sold stock to approximately 60 investors ,raising approximately 2.5. Mm dollars**

Response . True imperaili raised money (not IMPERATO)under a private placement exempt from registration and the persons

responsible for raising the money were licensed securities persons Fred Birks, Dan Mangru, Kyle Hauser. (see Finra) The management whom were the responsible persons to the commission and its filings were Charles Ficsina, Dan Mangru and John Chaplic, not IMPERATO.

Genuine material factual evidence of disputed facts.

Fred Birks under contact with Gryphon Investments had previous clients evidenced in (de 20, -25) as well as Dan Mangru and Kyle Hauser evidence in (de 184)

**Imperato who is a 55 year old resident of West Palm Beach FL, was a broker in the securities transactions between Imperaili and investors.**

Response: IMPERATO is 55 the other is a false statement and the burden of proof (Sec. v First Texas Financial Group) has not been established and can not be established because it is false.

IMPERATO did not act as any broker nor did he cold call or fax blast any investors as in the original complaint and claims made against him. Genuine material factual evidence of disputed facts have been provided to the courts and the commission and (rule 73, 72 and 56 were violated by the court and the commission.) The commission lawyers Mc Cole Esq. changed the count of the alleged sixty persons based on the letters filed with the court signed by the (very investors name in the exhibit A) proving such merits genuine material disputed facts are false. Respondent attacked the very essential elements of the original claims and now the commission has admitted that only twenty six persons were sold sock but at the same time they did not adjust the amount of money raised as well as the time specific to those twenty six persons (genuine material factual disputed claims of 60 persons provide in exhibit (a) and the names and affidavits of said twenty investors. (de 184)

s.7 Respondent is subpoenaing The balance of the alleged twenty six investors (affidavits and proof that IMPERATO contacted them) is a false claim evidence by the letters from Fred Birks clients (de 20-25) combine with the letters signed by the investors totaling approximately 45 persons out of approx 60 which given the evidence supplied by the commission under discovery which was denied as well as the proper discovery time IMPERATO could have recovered the balance of the letters from the balance of the alleged investors because IMPERATO is innocent. The genuine material factual disputed claims of essential elements concerning the alleged sixty persons is false.

s.8 The respondent is subpoenaing all the affidavits and communications and documents in the possession of the commission in order to adequately respond to both the cross and the appeal.

**b. entry of the injunction**

**1. On November 8, 2013 ,final judgments was entered against Imperato permanently enjoining him from future violations of section 5 and 17 of the securities act of 1933( securities act) ,**

Response : The final judgments are repugnant to the constitution and were ordered with out any evidentiary hearings, with out due process of law and against court procedures with a summary judgment entered illegally when the respondent submitted genuine material factual evidences and piercing of the essential elements of the commissions bogus claims from day one .The respondents constitutional rights where a trail by jury was ordered and he was denied ,under the united states constitution the judgments are repugnant ( void) as well as under the (rules 72,73,56,) when a (non consented )magistrate entered recommendations and obtained a false summary judgment against the rules and procedures of the court with the vacating ,mooting and denial of any evidentiary hearings and all the respondents preponderance of evidence which contained the genuine material factual despite to the commissions claims which once again is illegal to enter a summary judgment.

The commission failed miserably concerning any burden of proof to obtain such judgments and with a jury trail of peers the judgments are (voided ) ,

As a matter of constitutional law .in addition to the vacated settlement agreement and breech of contact by the commission which entitles IMPERATO to damages under breech of contact and under cfr( 17 cfr ,sub part (b ) equal access to justice 17 cfr 201.31 ( us c 504) and 17 cfr 201.32 ). As well as false claims acts and fraud in the court.

**Sections 10(b) ,13(a) ,13(b) (2) (a) ,13(b) (2) (b) ,13(b) (5) ,and 15a of the exchange acts ,and rules 10-5,12b-20,13a -1 ,13a-11,13a-13,13b2-1,13b2-2, and 13a-14 there under, and sections 34(b)of the investment act of 1940, in the civil action entitled securities and exchange commission v imperaili inc et all ,civil action number 9:12-cv-80021-klr ,in the united states district court for the southern district of Florida.**

Response ; the respondent denied any violations under the above acts and until a jury trail of peers is had the claims

made and the judgments ordered and issued are false and voided as a matter of constitutional law and the law of the land. **See Hurtado v California (see attached exhibits)**

**2. The commission complaint alleged that from at least 2005 (statutes of limitations over) through 2008, ( control transferred in nov 07) IMPERATO used imperaili to carry out -securities fraud scheme.**

Response ;this is fraudulent claims and false in itself imperaili was in business since 1994 .

In the documents distributed to investors and in the reports filed with the commission, IMPERATO portrayed imperaili as a thriving corporation , (what is the meaning of thriving ) that owned several valuable subsidiaries .

Response imperiali did own several valuable assts and formed subsidiaries for the assets to be classified individually as business units evidenced by the and the filings of the state of Florida's( de 20,-25 de, 159,148,172 ) as well as at sunbiz.org.)

Imperaili valued its assets properly in accordance with bdc rules of arbitrary valuation with comparative analysis's and were valued by the cpa, and accountants and the management of the company in accordance with the use of deal sense software and comparative analysis ) imperiali submitted all the proper due diligence to the commission back in 2007 and again I 2008 and no cease and desist was ordered or notice to the company period violation the commission own standards and rules under the 34 ,40 act and the bdc rules .the commissions issued a letter in 2010 that it had no more questions concerning the filings that were worked on with the commission and IMPERATO after 2008 with recovery of the company from the fbi and the Kaiser himmel disaster of criminally and imperaili being a victim of crime not a participant.

Imperato didn't arbitrarily value any assts and in the filings with Edgar concerning said assets they were filed by the designated filer nr fiscina and Mr. chaplic and then filed by brad hacker when hacker violated the e sign acts and used Imperato names. Both Hacker and fascine cant produce any legal written consent or documents concerning Imperato authorization to use his name and or that IMPERATO filed any edger filings during the period in question until after the criminal acts of Kaiser himmel when Imperato came in as a white knight trying to save the company, all explained and submitted to the court as genuine material factual evidence of disputed claims again piercing the very essential elements of the commission case

**In reality ,imperiali was just a shell corporation ,and its**



**subsidiaries were worth less or non existent.**

Response : theses claim alleged are impossible ridiculous(unsubstantiated) and false based on the genuine material factual evidence of disputed claims when the respondent submitted the valuations ,as well as the ( see way back machine system )for controlling search engine rankings which rate the search engine capabilities and operations with links in over 30 countries and a 100 mm page index which was propriety to the company not meta search and was valued at twenty million dollars properly with the pr portal and press distribution portion of I connect which was a company mangru owned since 2005 and the name was changed sine he developed the engine and the business development arm Christ investments development the global platform for the search and the pr portal which was valued at twenty million totaling forty million dollars and ye were similar to Google and others at the time and the competitive analysis submitted in the, (de 20-25 ) prove such, as well was submitted to the commission in 2007.(see affidavit)attached

The search engine results rankings and the affidavit attached from the main developer prove such and once against the genuine material factual evidence of disputed claims and piercing of the very essential elements of the commission case which was ignored in the court only proves again the respondents constitutional rights were violated as well as court procedural rules .The assets of forty million dollars were real and pad for their operations with payroll systems with bank America and internal contrail procedural manuals developed by fiscina and chaplic not IMPERATO. Imperato resigned from the board in middle 2006 and the came back as a white knight to help fix issues from fiscina whom was the responsible party to the commission and the responder to the commission filings not IMPERATO .

s.8 Respondent is subpoenaing all the records in the possession of the commission concerning emails and other communications and the records of Edgar filings and the signature hard copy or pass word s of the responsible parties who filed the reports which was not IMPERATO and the commission cant prove such .Until such time that the respondent receives from the subpoena all the records since 1998 concerning imperiali and IMPERATO dealings as well as the corporate officers and directors the respondent cant prepare a fair cross or complete its appeal process with out such documents.

s.9 Respondent is subpoenaing the licenses of the persona who raised the money namely Dan mangru series 7 ,Kyle Hauser

series 7, and Fred birks several series along with Joe devito and dean esposito( sec lisc. persons) who worked with gryphon management whom contacted with imperial ( de 20-25 ) (see attached)

Until such time the respondent receives such information from the subpoena the respondent cant prepare a fair cross or response to his appeal.

The claims by the commission of imperiali being non existent are false and unsubstantiated and the commission has not proven beyond a reasonable doubt that their claims are legitimate because they failed the burden of proof as well as with out a trail by jury of peer with the genuine material factual evidence of disputed facts being presented to the jury the commission claims are just alleged and unproven.

The company was fully operational with operational manuals(de 20-25) and procedures and the tax returns prove the expenditures as well as Edgar filings.

***During the scheme ,imperiali sold stock to approximately 60 investors ,raising 2.5 million .***

Respondent yes imperaili raised 2. 5 million dollars but the 60 investors are un know since imperaili has over 400 share holders and investors an has been in business since 1994 and has investments over 15 million dollars with k complaints until this false claims .

s.10 Respondent is subpoenaing the records concerning the commissions false claims in a laundry list and similar attack against the company in or around 1998 until 2003 when 9 /11 and the become crashed shut down operations and Imperato was accused the of a false claims which was concerning the other assets of imperiali of 30 million dollar of telecom assets which were reviewed and cleared by the commission them self. Respondent is subpoenaing all the records concerning the out come and determination of the requested documents and interviews with the commission and Imperato around 1998 until 2003 when ( ***frcp 12(b)(6), (b)(1)*** )  
***6.6 frcp 12 , (b) can provide proof of such.***

***See inquiry in early 2000 by the information concerning similar issues , by Mike Banyas financial examiner /analyst ii. Adress dept of banking 11.so. Sapodilla ave #211 w.p.b. fl. 33401 mbanyas@mail.dbf.state.fl.us.*** did his audit and review of the ppm and all the company records including the very genuine material factual evidence of disputed facts in the (bank America valuation documents ) ( de 20-25 ) submitted to the commission in their review then as well as in 2007 ,2008 and now and in court with out any cease and

desist order or any dispute concerning the assets. Of imperaili telecom.

Until such time the respondent received the documents concerning the fbi, NASDAQ, finra and others concerning imperaili inc, formally new millennium development group .the respondent can not provided a fair cross summary disposition or complete his appeal in the appellate court .

***Imperato used the offering proceeds for purposed other than those promised ,including to pay his travel expenses during his 2008 presidential campaign.***

Response : IMPERATO was not paid directly from the imperaili company nor was he on the payroll .reviewed by the Irs. (See attached irs subpoena)

The Christ investment company manager of imperaili prior to the restart of its operations as well as the sellers of said assets back to the company imperiali as agreed in too was paid through that subsidiary and prior affiliated company but not by imperiali.

Yes IMPERATO traveled the worked on building a multi billion dollar plan and company which was all justified and presented to the commission in 2006,07,2008, and since 1194 as a world wide company with bank America valuations in 2000 and with further assets developed by Christ investments then sold to imperiali.

Imperiali did not pay any of the travel expenses of Imperato for his campaign and the commission cant prove such because the company was audited by the irs and the operations show clearly that temperate earned a nominal amount of persona income and paid taxes on that income and his person money was used for his campaign and if at any time there was a conflict due to heavy travel schedule IMPERATO always tried his best to separate and allocated his person funds that he paid taxes on for his campaign reflected in the (fec. Reports )reviewed by irs .(unsubstantiated and false)

In fact in 200 bank America was over whelmed at the achievements of IMPERATO with such little amounts of money as well s IMPERATO went above and beyond spending his life working his back off world wide for 40 years building the company and did not use d any money inappropriately .he used his own money that he deserved and earned as a consult to imperiali inc. Persion

s.11 The respondent requests under subpoena all the books and records that the commission has as well as all correspondences with the irs and other government agency to prove their false claims until such time that respondent

received the subpoena records he is not able to file a fare cross summary dissolution as ell as complete his appeal.

***Imperato was a broker in the transactions between imperiali and investors ,but he was neither registered with the commission as a broker or dealer nor associated with and entity registered with the commission as a broker dealer.***

Response : Imperato was not registered broker dealer ever in his life nor did he act a as broker dealer, the securities were sold by others evidence by the letters from the investors as well as sold under preexisting relations ships of licensed securities dealers which believed to be inactive since they were officers and directors of the company and covered persons selling securities under and exempt from registration 506 offering.

Imperato did not cold call and sell securities to investors as initial contact nor did he solicited to sell any security's to any of they alleged 60 investor. The claims are false and once aging the essential elements of the alleged claims a have been attacked and proven that Imperato didn't ot act as any broker in the transactions between imperiali and it s investors . As principle Imperato could have sold securities as a director but he did nit because he was too busy traveling and paying for his alleged expenses traveling the world.

s.12 The respondent is subpoenaing all the book and cords and communication concerning all the 60 investors as well as all, the affidavits they have in their possession that verify their alleged claims which are bogus. The commission has not met the burden of proof and can not and that's why they denied the trail by jury and broke the law of the land and violated the respondents constitutional rights which not only is repugnant to the constitution but all void the judgments and allows and authorized this very administrative procedures and it law clerks and judges based on the very requested summary disposition to reverse all the judgments and vacate all the claims and close this biogas case and stop wasting tax payer money on appeals and dispositions that have not been proven by a trail by jury of peers because it can not not be proven ,as well as issue and award for damages of two million dollars in accordance with cfr. Of the commission s administrative procedural rules and the oig.... ,

### **III**

***I view of the allegations made by the division of***

**enforcement ,the commission deems it necessary and appropriate in the public interest that the administrative proceedings be instituted to determine:**

**a. weather the allegations set forth in section ii hereof are true and ,in connection there with ,to afford the respondent an opportunity to establish any defenses to such allegations ;and**

**b. what is any ,remedial action is appropriate in the public interest against respondent pursuant to section 15 (b) of the exchange .**

Response : **all claims have not been proven by a jury trail nor by the standard of burden of proof .** The magistrates recommendation order is illegal based on the facts that he was not consented too nor did he ever have evidentiary hearings concerning the genuine material factual disputed claims (physical evidences)respondent is innocence , and deserves as a matter of law a trail by jury or this case should be dismissed base don the genuine material factual evidence of disputed facts and the attack of the very essential elements of the alleged claims .which shall and has been repugnant to the constitution of the united states and void s the very judgments as a matter of constitutional law.

The public should be protected from the very fraudulent representative and conspires of such heinous crimes against Imperato with false claims and fraud on the court and the public should be aware of such activities with in the enforcement namely Dallas taxes and timothy s mc Cole Esq. to make sure it doesn't happen against sine Imperato is a public figure and a citizen of these united states and find theses acts despicable and is demanding a criminal investigation to be completed by the justice depart w=as well as invoking his rights for the protection of his govern ment to protect him in accordance with 16 wall, 73 1891 the 4<sup>th</sup> ammnd. And fro damage to be award the aggrieved parties under the rules scrf( I am an aggrieved person who was denied his rights under 17 cfr ,sub part (b ) equal access to justice 17 cfr 201.31 ( us c 504) and 17 cfr 201.32 as well as my civil rights and other constitutional rights were and are being violated as well as several court procedural rules have been violated and the enforcements own violations of their own policies as well as breeched contact with deceptive practices . ). Based on fraud in the court and fraud with in the procedural rules and conspiracy between government agencies to create a false claims and denial of constitutional rights

which by constitutional law should be heard in supreme court under a grand jury and or the governments representative whom violated such laws be hanged.

*s.13 Please find attached exhibits and or requested information from the commission five member board which is part of the information required by the responded under subpoena.*

Until such time the respondent receives the subpoenaed information he can't not defend himself properly or fairly with his cross summary disposition or for that matter compete his respond se fairly in accordance with due process of law with the appellate court proceedings in order to defend himself adequately.

Until such time a trail by jury finds IMPERATO guilty then all claims are null and void as well as the illegal judgments against him.

**Article VII of the united states constitution states that in suite of common law ,where the value in controversy shall exceed twenty dollars ,the right of trial by jury shall be preserved ,and no fact tried by a jury shall be otherwise reexamined in any court of the united states ,than according to the rules of common law.**

Affidavit

My name is Daniel IMPERATO ,I prepare this document [REDACTED]

I as best I could recollect and that I declare that to the best of my knowledge and belief, that the statements made in this document are true ,correct and complete.

**It is hereby petitioned that this court held under article IV of the constitution of the united states of America in its decisions in the slaughter house clause, 16 wall, 36, 1873, that "another privilege of a citizen of the united states is to demand the care and the protection of the federal government over his ,life liberty and property ..." and that if this court up holds this part of that decision , then it will grant me the right of :freedom of choice:, since that rights is not repugnant to the laws of the united states of America in accordance with article I ,section ,8 ,cause 18 of the constitution of the united states of America.**

**Respondent is demanding a criminal investigation to be open and protection from his government.**

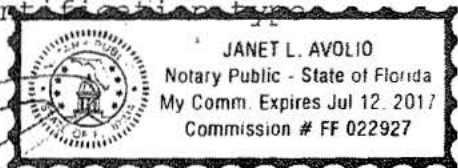
State of Florida  
Palm beach county

Sworn to and subscribed before me the undersigned notary  
public, this day of . 201~~4~~

My commission expires

personally known  produces identification type  
produced FL DL F 516-170-58-089-0

Janet L. Avolio  
Notary public



Document prepared by \_\_\_\_\_

Jan. / <sup>21</sup>~~20~~ th / 2014

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Affidavit

My name is John Kolbenschlager, I prepare this document, [REDACTED]

As best as I could recollect and that I declare that to the best of my knowledge and belief, that the statements made in this document are true, correct and complete.

In 2006 I was engaged by Daniel Imperato to build and maintain a web crawler with search capability called "Isearch". The search engine was built and had the following characteristics:

- The web crawler crawled web pages at speeds of 14-18 documents per second.
- The web index was available via a web browser and returned result sets in the sub-second range.
- The total size of the search index was 80-100 million documents.
- The web interface was publicly available at the URL "ilsearch.com".

The technology was sold to another party in 2007.

In 2009 I was again engaged by Daniel Imperato to rebuild the search engine and did so. It had the same characteristics as the search engine described above. It was publicly available at "isidorus.com".

*[Handwritten signature]*

11/4/2013  
name

-----Witness.

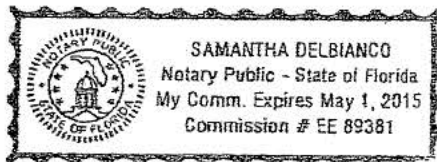
State of Florida  
Palm beach county

Sworn to and subscribed before me the undersigned notary public, this 04 day of Nov. 2013

My commission expires 5/1/15

personally known  produces identification type produced FLDL

*[Handwritten signature]*  
Notary public



Exhibit



From: John Kolby [REDACTED]

To: danielnmdg [REDACTED]

Subject: Re: Fw: Chris expert tech man, john, kobina, carlo

Date: Tue, Jan 24, 2012 8:37 am

no, don't recall that, I'm not in the appraisal business.

On 01/24/2012 07:26 AM, daniel imperato wrote:

> Thank u john , do u remember the document you signed for mangru when they did valuation s and tech companions.

> Please save all sites for my sec. Case I am accused that the engine didn't exist our company was a shell.

> -----Original Message-----

> From: John Kolby

> To: Imperato.

> Subject: Re: Chris expert tech man, john, kobina, carlo

> Sent: Jan 23, 2012 10:28 PM

>

> Isidorus:

>

> [http://wayback.archive.org/web/20090715000000\\*/http://isidorus.com](http://wayback.archive.org/web/20090715000000*/http://isidorus.com)

>

>

>

>

>

>

> On 01/23/2012 07:27 PM, daniel imperato wrote:

>> Thank u , please validate the I search engine and also isidorus after kaisar himmel with alan who built udubiz, I search was re built again and you were paid and engine was indexed millions of pages . Please verify .asap

>> -----Original Message-----

>> From: John Kolby

>> To: Imperato.

>> Subject: Re: Chris expert tech man, john, kobina, carlo

>> Sent: Jan 23, 2012 7:12 PM

>>

>> The internet archive documents that the site was up and valid:

>>

>> <http://www.archive.org/web/web.php>

>>

>> [http://wayback.archive.org/web/20070615000000\\*/http://www.ilsearch.com/](http://wayback.archive.org/web/20070615000000*/http://www.ilsearch.com/)

>>

>> On 01/23/2012 05:59 PM, daniel imperato wrote:

>>> John colby developer of search,

>>> Chris griguire tech expert

>>> Kobina. Africa links

>>> Carlo eu links

>>> Lilian south american links

>>> Dan mangru master ceo developer pr portal and engine

>>> Operation search engine and pr portal.

>>> Please respond with facts

>>> Dr. Daniel Imperato FR.KM.SSP.GM+OB

>>>

>>> -----Original Message-----

>>> From: "daniel imperato"<[danielnmdg@aol.com](mailto:danielnmdg@aol.com)>

>>> Date: Mon, 23 Jan 2012 21:30:32

>>> To: Timothy S. McCole<[McColeT@SEC.GOV](mailto:McColeT@SEC.GOV)>; [chrisgriguere@yahoo.com](mailto:chrisgriguere@yahoo.com)<[chrisgriguere@yahoo.com](mailto:chrisgriguere@yahoo.com)>;

John Kolby<[john@sportsee.com](mailto:john@sportsee.com)>; Kobina Annan<[Keak27@aol.com](mailto:Keak27@aol.com)>; Carlo

*Exhibit*

1/27/12

Re: Fw: Chris expert tech man, john, kobina, carlo

[REDACTED]  
[REDACTED]  
>>> Subject: Chris expert tech man, john, kobina, carlo

>>>

>>> Chris , john, kobina , carlo sec. Needs proof of our engine and portal being operational. Please write up something.

>>> I am being accused that our search engine and pr portal never existed .?

>>> And dan mangru was a director of imperiali.

>>> Sec. Could jail me or fine me . Please write up a mail. Asap about your work for imperiali portal

>>> Dr. Daniel Imperato FR.KM.SSP.GM+OB

>>

>> Dr. Daniel Imperato FR.KM.SSP.GM+OB

>

>

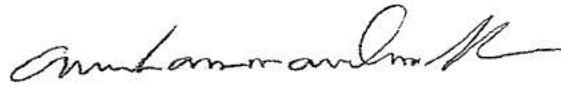
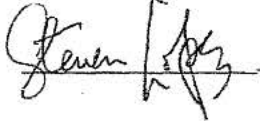
> Dr. Daniel Imperato FR.KM.SSP.GM+OB

Exhibit

AFFIDAVIT ON BEHALF OF DR. DANIEL IMPERIALI/ BY STEVEN W LOPEZ:

I steven w lopez, residing at [REDACTED] served as board member of Imperiali inc. from approximately 3/06 -12 /08. I visited the office at west palm beach , at least once. I provided advise, primarily from a commercial banking viewpoint. I also interphased with Dr. imperiali, when he visited new York, or was passing thru New York. I have no knowledge of him selling securities or soliciting the sale same.. In my dealings with him, I found him to be a man of integrity. The daily operations of the company as far as I know, was left to the professional hires.

Sgd. Steven w lopez, date



12-13-2013

MUHAMMAD M KHAN  
Notary Public State of New York  
No. 01KH4864099  
Qualified in Nassau County  
Commission Expires June 30, 2014

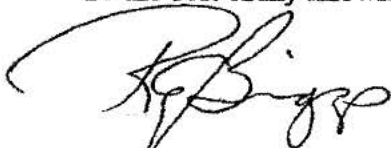
Exhibit

December 16, 2013

I, Richard Biggs, board director of Imperiali, have been involved with Imperiali since 2007. I have witnessed Mr. Imperato's hard work and travels building a business in search of technologies, telecom and public relations. I stepped in to help recover the Company from the Kaiser Himmell (Mr. Skys company) and FBI disaster that Mr. Imperato was a victim of when selling the company in late 2007 and regaining it in late 2009. I worked with Larry O'Donnell and James Clark, CPA's and auditors as well as MKS, the Company's new auditors. We believe Mr. Sky's stole the assets of the Company and determined we could not justify keeping the assets on the balance sheet based on Larry O'Donnell's suggestion. Mr. Imperato gave his approval. Mr. Eric Skys was convicted late in 2009 and we all worked diligently as a team to try to put the Company back in good standing. Mr. Imperato is an honorable man and has had only the shareholders interest at heart or he would never had taken back a company that was destroyed. Being a shareholder as well, I was greatly impressed with Mr. Imperato, as well as others concerning his continual efforts to try to save the Company and he did until such time the SEC filed suit and the company was ruined.

Mr. Imperato did not to my knowledge sell shares of Imperiali. The Company had Dan Mangru who messed up the Company books, and Kyle Hauser, who were licensed stock brokers and raised the money on a ppm exempt from registration / the error in book keeping were financial mismanagement and human error. I saw no evidence of fraud in my opinion. Charles Fisca, CPA and John Chaplic, CPA and Wharton graduate, were the responsible parties for the errors prior to Mr. Imperato stepping back in and selling the company to Mr. Skys.

To the best of my knowledge, this is what occurred within Imperiali between 2007 & 2009.



Richard E. Biggs

Exhibit

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## FEATURED ARTICLES

Skys pleads guilty to fraud

August 5, 2009

Charges dropped against fraud suspect's wife

July 16, 2008

FBI arrests Rockwood man, charges him with bank fraud

May 16, 2008

## Skys sentenced, source of wealth revealed

December 03, 2009 | By MICHELLE GANASSI, Daily American Staff Writer

Eric Skys was sentenced Thursday to 130 months in federal prison for attempting to defraud banks out of millions of dollars.

Recommend 0

But court documents pertaining to his sentencing say the fraud extended beyond phony shares of Sprint stock.

0

Tweet

Skys, formerly of Somerset, pleaded guilty to wire, bank and securities fraud after two days of testimony from government witnesses in August.

Skys attempted to defraud a bank out of \$83 million by selling fake shares of Sprint stock he claimed his company, Kaiser Himmel Corp., controlled. Skys had an office in Rockwood and claimed he was producing anti-virus software. His plea came after two Citibank executives and an investor relations manager at Sprint testified.

According to court documents, Skys' attorney, Ira London of New York, recommended a 60-month sentence. London filed an appeal notice Thursday after the sentence was imposed.

"There was no real risk that any of the financial institutions would honor the Sprint stock as a collateral for a cash advance," he said in a sentencing memorandum. "The materials provided by Mr. Skys, and his description of the deal with Sprint, were patently ridiculous and somewhat amateurish. It is inconceivable that Sprint would transfer 13.4 million shares of stock while maintaining secrecy from investors and the financial news services, not withstanding a confidentiality agreement (which in practice is breached more often than it is observed)."

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Prosecutors argued for a tougher sentence.

"Eric Skys stood squarely at the center of an elaborate scheme that potentially could have cost a bank more than \$80 million, and he did so purely from greed and arrogance," Assistant U.S. Attorney William Stellmach said in a sentencing referendum.

"Eric Skys has lived his life for the past several years with his hand in someone else's pocket."

Court documents indicate that Skys used his company to defraud potential investors by stating he was a multimillionaire who had developed a computer-anti-virus program and had relationships with several major computer program development companies. Documents indicate that his company received thousands of dollars in investments. Bank records show that Skys used the money to move out of a trailer into a home and purchase a BMW and other luxury items, according to court documents.

Skys was also able to defraud a third-party presidential candidate and self-described entrepreneur, Daniel Imperato, who sold his company, Imperato, to Kaiser Himmel Corp. in exchange for the shares.

Exhibit.

Imperato introduced Dr. Jack Krauser, a Florida dentist, to Skys. Krauser was looking for a computer programmer to assist him in developing dental imaging technology to assist in dental implants, according to court documents. In February 2008 Krauser paid Skys \$300,000 to produce the software.

On the eve of his May 2008 arrest, Skys asked Krauser for a \$2 million loan, which he pledged to more than double after the sale of his Sprint stock, according to court documents. Skys also directed others, who were not charged as conspirators, to assist him in receiving funding from financial institutions.

Also mentioned in court documents are a \$200,000 pledge Skys made to Rockwood Area School District for a new sports complex, which he later redacted, and his "Race to a Billion" reality show. The winner of the reality show was supposed to earn a job at Skys' company as an executive.

(Michelle Ganassi can be reached at michelleg@dailyamerican.com. Comment on this story online at dailyamerican.com.)

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Exhibits

United States of America  
Securities Exchange Commission  
100 f St. NE Washington D.C. 20549 -1019

Civil case # 9;12-cv-80021  
Dec. 20<sup>th</sup> 013

Sent us mail

In the matter of Daniel Imperato  
Defendant

70131710 0000 60529190

Urgent

Dear Mary Jo White Chair,

Defendant urgently second request ( from nov. 30<sup>th</sup> 2013) requires the following information to be received by respondent in order to prepare his appeal briefs.

In light of said facts presented in the court the following discovery was not provided amongst all discovery not completed and ignored by the commission.


The defendant requires copies of the following urgently;

1. The commission five member boards minutes and meetings of the authorization to approve the settlement agreement with one defendant Charles Fiscina settled and consented to on Sept 20<sup>th</sup> 2011.

Please provide the minutes and approval of the said consent agreement .

2. The commission five member board minutes that in fact declined the settlement and consent agreement entered into on oct 11<sup>th</sup> 2012 with IMPERATO at the mediations conference with magistrate judge Palermo.

Document prepared by  Dec/ 20 th /2013

Dr. Fr. Daniel Imperato , km,ssp,gm &ob pro se  


Exhibits.

United States of America  
before the  
Securities Exchange Commission  
100 f St. Ne Washington D.C. 20549 -1019

Release no. 70959/ Nov. 27<sup>th</sup> ,2013  
Administrative proceeding  
File no. 3 - 15628.

Nov. 30<sup>th</sup> 013  
Sent us .mail

In the matter of Daniel Imperato  
Respondent.

Dear Elizabeth M. Murphy Secretary

Respondent initial response with in 20 days hereby excepts the opportunity that will clear his name for the allegations made against him dates to be set.

Respondent is great full and thank full for this opportunity and public interest administrative proceedings concerning 1934 acts .

Respondent requires the following information to be received by respondent in order to prepare his briefs for the proceedings and requests that the united states subpoena the witness required for the proceedings that have been presented to the court in the filings .

Respondent is financially broke and with out ink to print even these documents and fighting for his life after the destruction and damages caused by a passionate ,prejudiced execution of false judgments and false statements by the commissions consular's timothy s mc cole at the behest of others on the commissions advisory committed whom authorized such heinous crimes against me and my family and against the united states constitution repugnant to the very judgments and the entire case should be void as a matter of law both procedural and constitutional.

In light of said facts presented in the court the following discovery was not provided amongst all discovery not completed and ignored by the commission.

Σhibit



his brief for the proceedings

12. Please subpoena the records of the commission communications with the company imperiali inc and Charles Fiscina and any other communications with the company as well as the commissions advisory boards minutes that initially opened the investigation in 2005. As well as tapes of the conversations with the sec. with the company .

13. A clear printed copy of all the sworn states made at the wells voluntary interviews which was sent to the respondent ( June 012 ) discarded do to case closed ,settled ) as discovery but was unable to open the secured passwords as well as received an incomplete copy filed with the summary judgment ( de 105).

Pleased provide the minutes of the advisory board that approved the summary judgment order and the copies of all determinations and correspondences internally under the freedom of information act of the united states of America as well as all documents and copies requested in this response to the administrative proceedings (file no 3- 15628)

Thank you very much for this information which will assist with due process of law that IMPERATO was denied.

Document prepared by  nov. / 30 th /2013



Exhibit