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Office of Administrative Law Judges

Original

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549
ADMINISTRATIVE PROCEEDING
File No. 3-15628
In the Matter of
DANIEL IMPERATO,

18 m
3/15/014

RESPONSE ENFORCEMENTS FALSE CLAIMS AND rsvp MOTION /SUMMARY.

ORDER MERITED BY LAW FOR DISMISSAL WITH PREJUDICE AND RELIEF . Imperato has full trust in this proceeding and the honorable judge Elliot that these proceedings will not be in conflict of interest based on the commissions own judges allowing for a kangaroo court ,but to the contrary that the judges will rule on the merits and that the judges will hold the enforcement and mc cole in contempt for ignoring and not obeying the very orders by the judge that the appealed case and its pleadings and rulings are not evidence in this new case and cant not be used by the enforcement whom is acting against the civil rights acts that deny a lawyer from the enforcement to act as a federal prosecutor and or in conspiracy filing false claims and making false statements as in the very response to IMPERATO summary disposition. Mc cole has obtained unlawful judgments and has usurped the federal court systems and now is trying to usurp Judge Elliot's orders concerning burden of proof .

The civil rights acts are clear that a lawyer can not act as a federal prosecutor as well as can not demand any favor or bias opinions of this proceedings and the honorable judge Elliott due to the fact they are all on the same payroll and shall all be held accountable in accordance with the untied states constitution and the laws of our federal system and our courts as well as our civil rights acts with legal consequences for any violator.

It is herby petitioned that the answers received have only resulted in repeated injury to me and my family , they have placed upon us oppressions and denied to us the right of liberty and the pursuit of happiness ,these rights being endorsed by the creator ,and stated on july 4th 1776 in the magna carta of the united states of America, the declaration of independence."

It is hereby petitioned that the 17th section of the judiciary act of 1789,c 20, enacts :that all the said courts shall have the power to make and establish all necessary rules for the orderly conducting of business in the said courts, provided such rules are not repugnant to the laws of the united states : .. That this court and the commission will not act with repugnance to the laws of the united states as we the united states district court ,southern district of Florida and the securities exchange commission .

It is here by petitioned that this petition for a redress of grievance is petitioned in the most humble terms in hopes

that this court and the securities exchange commission will not act out of prejudice ,but will unite to uphold The declaration of independence and the constitution of the united states of America⁷¹. It is hereby petitioned that the following charges included in this " petition for a redress of grievance "are by far the greatest charges that can be made against any public servant . Knowing that the reactions of this court , the lower federal courts and the members of the securities exchange commission, maybe the same as the reaction of the king of England when he received the news of the declaration of independence , I would like to call your attention the reason Mr. Charles Carroll town appears behind his name on the declaration of independence . "the name of Carroll is the only one of the declaration to which the residents (italica(of the signer is appended. The reason why it was done in this case , is understood to be as follows. The patriots who signed that document, did it ,almost literally , with ropes about their necks , it being generally supposed that they would, if unsuccessful, be hanged as rebels' .when Carroll has signed his name , someone at his elbow remarked , "you ll get clear --- there are several of that name -- they will not know which to take. " " not so , "replied he ,and immediately added , " of Carrollton " . (united states book , j . w. barber ,1833 new haven).

IMPERIALI INC A PRIVATE COMPANY NEVER TRADED A STOCK BLUE SKIED AND OFFERING UNDER THE REGS .AND IMPERATO IS FALSELY ACCUSED OF ACTING AS A STOCK BROKER AND SHOULD NOT BE PENALIZED IN NAY WAY SHAPE OR FORM BECAUSE HE NEVER ACTED AS A STOCK BROKER AND NEVER RECEIVED A COMMISSION FOR ANY SALES OF STOCK NOR DID HE RECEIVE THE FUNDS DIRECTLY FROM THE OFFERING NEVER MIND THE MAJORITY OF THE 2 MILLION DOLLARS RAISED BY OTHERS COVERED WITH LEGAL GUIDANCE , NOT IMPERATO.

In accordance with the Order entered in this matter on January 10, 2014, the IMPERATO submits this Response in Opposition to ENFORCEMENTS BOGUS CLAIMS Motion for Summary Disposition ("Motion") and would respectfully show as follows:

I. ENFORCEMENT failed to demonstrate any genuine issue of material fact that entitles THEM to summary disposition as a matter of law.

WHERE AS IMPERATO SUBMITTED OVERWHELMING GENUINE MATERIAL FACTUAL EVIDENCE OF DISPUTED FACTS AND PIERCED THE VERY HEART OF THE ENFORCEMENTS FALSE CLAIMS AND ALL THEIR ESSENTIAL ELEMENTS OF CLAIMS WHICH HAVE NOT BEEN PROVEN OTHER THEN HEAR SAY AND BIASED STATEMENTS WITH NO THIRD PARTY AFFIDAVITS OR DUE PROCESS OF LAW CONCERNING THE AFFILIATED CASE OF WHICH THE JUDGE ELLIOT CLEARY REQUESTED SUCH EVIDENCE UNDER (SEE SEC. V RAPPOPORT)AND THE ENFORCEMENT HAS IGNORED SUCH AND FAILED TO DO SO, AS WELL

AS CONTINUES TO USE EVIDENCES OF THE AFFILIATED CASE UNDER APPEAL FOR WHICH IMPERATO STATED THAT THE JUDGMENTS WERE ORDERED IN VIOLATION OF THE DUE PROCESS CLAUSE OF THE UNITED STATES CONSTITUTION AMONGST OTHER COURT VIOLATION AS AND UNSUBSTANTIATED CLAIMS THAT WERE PRESENTED TO A NON CONSENTED MAGISTRATE JUDGE WHICH IS CLEAR VIOLATION OF COURT PROC. AND MAGISTRATE RULES . 73 ,72 and 56 and others usc 28 &636.

IN ACCORDANCE WITH THE LAWS OF THIS GREAT COUNTRY AND OUR FOUNDING FATHERS CONSTITUTION OF THE UNITED STATES AN THEIR AMENDMENTS THIS CASE SHALL BE DISMISSED WITH PREJUDICED AND THE GRIEVED PARTY SHALL BE AWARDED DAMAGES IN ACCORDANCE WITH CFR .

IMPERATO RESPECTS THIS COURT PROCEEDINGS AND THE JUDGE ELLIOT TO RULE BASED ON THE MERITS ,statutes and laws.

1. Statutes of limitation are violated (GABELLI V SEC.)
2. Burden of proof not complied with(SEC. V TEXAS FINANCIAL GROUP)
3. No physical evidence proved by the enforcement
4. Arbitrary non consent magistrate summary judgment recommendations
5. Settlement agreement (OCT 11TH 013) signed and agreed to then breeched and vacated by mc cole . Then lied and said there was never and agreement. (he signed)
6. Case settled with fiscina 6 months prior to filing against IMPERATO after the statutes run out
7. Violations of court procedures
8. Case closed and reopened under false hoods statements made were and are false by mc cole.
9. Physical evidence in affidavits and written letters from the developers of the assets and the investors proving IMPERATO innocence ignored by the enforcement
10. No evidentiary hearings
11. Trial y jury taken away because the enforcement cant prove any of their claims in a fair and proper court room in front of a trail by jury so the conspired with the courts and over ruled the very judicial system and usurped all the rules and founder fathers constitutional laws as well as court procedures .

To the contrary, he (never admitted)admitted key allegations against him (made exfacto to the dodd frank bill)They are prohibited by Article I, Section 10, Clause 1, of the U.S. Constitution (see Calder v. Bull, 3 U.S. (3 Dall.) 386, 1 L. Ed. 648 (1798),in the Order Instituting Proceedings ('OIP'). First, he admitted that a(FINAL unlawful/ ILLEGAL ARBITRARY SUMMARY JUDGMENT ORDERED BY A NON CONSENTED MAGISTRATE WHICH VIOLATED COURT RULES AND JUDICIARY ACTS AS WELL AS THE UNITED STATES CONSTITUTION BY DENYING IMPERATO JURY TRIAL WHICH IS REPUGNANT TO THE CONSTITUTION) (SEE HURTADO V CALIF.) final judgment was entered against him in an Commission civil action, permanently enjoining him from future violations of certain anti-fraud and other provisions of the federal securities laws. Motion at 7; Motion Ex. A at 13. Second, he admitted that (IMPERATO NEVER ACTED AS A BROKER NOR DID HE COMMIT ANY SECURITIES FRAUD ,(

nor (10 b ,10 -5 (b) or any other violations were committed nor was the companies balance sheets and assets fraud or false statements(see basic v levinson 488us 244, see Halliburton co v erica p .john fund) which has been proven by valuation and other physical evidence presented)THE EVIDENCE PROVIDED IS CLEAR AS DAY THAT THERE WAS A PPM ,FULLY IN COMPLIANCE AND EXEMPT FROM REGISTRATION AND SOLD BY COVERED PERSONS OF THE COMPANY WITH BLUE SKIES PAID FOR EVIDENCED BY BILLS FROM LAURA ANTHONY ESQ. AS WELL AS LETTER FROM THE SO CALLED 26 INVESTORS THAT IMPERATO DIDN'T NOT CONTACT THEM AND SELL THEM SECURITIES WHICH IS ENOUGH GENUINE MATERIAL FACTUAL EVIDENCE OF DISPUTED FACTS AND ATTACKS ON THE VERY ESSENTIAL OF THE ENFORCEMENTS CLAIMS. NOT TO MENTION THE CLAIMS OF 15(B) WAS NEVER BROUGHT UP IN THE ORIGINAL CASE WHICH WAS FILED IN 2012 PAST THE STATUES OF LIMITATIONS AND THE BURDEN OF PROOF IS IN THE ENFORCEMENT (SEE SEC. V FIRST FINANCIAL GROUP TEXAS) ALSO THE VERY SAME Judge Elliot specifically state that evidence from the appealed case is not permitted in this case based on the appeal , THE JUDGE WOULD BE OBSTRUCTING JUSTICE BY INTERFERING WITH AN APPEAL AS HE STATED WHEN HE CANT ISSUED SUBPOENAS WHICH DENIES IMPERATO THE FURTHER EVIDENCE THAT THIS 15 9) IS BOGUS AND PAST THE STATUTES AND THAT THE ENFORCE HAS NOT MET THE BURDEN OF PROOF REQUESTED BY THE JUDGE ELLIOT (SEE SEC. V RAPPOPORT) , in the Complaint initiating the civil action, the Commission alleged that he engaged in a securities-fraud scheme. Motion at 5; Motion Ex. A at 13, 30. Given these admissions, it is established that no genuine issue of material fact obtains regarding either allegation. But the lack of any such issue benefits the Division's case, not Imperato's case. Moreover, that he was permanently enjoined for securities-law violations supports the Division's contention that sanctions against him are warranted

II. Conclusion

The Hearing Officer should deny Imperato's Motion. Under Rule 250(b) of the Commission's Rules of Practice, the Hearing Officer may grant a motion for summary disposition "if there(THERE IS OVERWHELMING MATERIAL FACTUAL EVIDENCE PRESENTED BY IMPERATO AND IMPERATO DESERVES THE RELIEF FROM BEING FALSELY ACCUSED AND IS THE AGGRIEVED PARTY AND HIS SUMMARY DISPOSITION SHALL BE ENFORCED AND HE IS ENTITLED TO THE REQUESTED BASED ON THE MERITS AND FACTS THAT THE ENFORCEMENT HAS PROVED OOOOOO EVIDENCE CONCERNING 15 (B) CLAIMS AS WELL AS ALL THEIR OTHER CLAIMS . is no genuine issue with regard to any material fact and the party making the motion is entitled to a summary disposition as a matter of law." 17 C.F.R. § 201.250(b). Imperato's Motion supports summary disposition in the Division's favor. Therefore, he has offered the Hearing Officer no grounds(PLENTY OF GROUNDS ARE FOUND BASED ON THE JUDGES ELLIOT'S OWN ORDERS BEING IGNORED AND THE VERY DISREGARD FOR THE FACTS THAT THE ENFORCEMENT CANT USE THE APPEAL CASE IN THIS A CASE SINCE THE JUDGMENTS WILL BE VACATED BAS A MATTER OF CONSTITUTIONAL LAW. upon which to find that he is entitled to summary disposition as a matter of law. M(IMPERATO IS ENTITLED TO RELIEF AS A MATER OF LAW AS IN DISMISSAL WITH PREJUDICE AND REWARDS AS AGGRIEVED PARTY ARE ENTITLED TO .

IMPERATO IS REQUESTING UNDER (redress)

Article V of the amendments to the united states of the united states of America state," no person shall be held to answer...nor be deprived of life ,liberty, on property article , with out due process of law..."Article XIII, section I of the amendments to the constitution of the united states of America states, neither slavery nor involuntary servitude ,except as a punishment for crimes were of the parts shall have been duly convicted shall exist within the united states ,or any place subject to their jurisdiction.

Article XIV, section I of the amendments to the constitution of the united states of America states,"... no state shall make or enforce any law which shall abridge the privileges of immunities of citizens of the united states; nor shall any state deprive any person of life ,liberty ,or property ,with out due process of law, no deny to any person with in its jurisdiction the equal protection of the laws.: 18 .it is hereby petitioned that I petition us attorney general holder and the attorney general of Florida Bondi on this 17th day of October 2013 ,requesting them as attorney generals to restore my constitutional rights relieving me and my family from involuntary servitude or issue a writ of habeas corpus in the form of a united states law or amendment to the constitution of the united states stating that I don't have the constitutional right of freed on choice. "

It is herby petitioned that the answers received have only resulted in repeated injury to me and my family , they have placed upon us oppressions and denied to us the right of liberty and the pursuit of happiness ,these rights being endorsed by the creator ,and stated on july 4th 1776 in the magna carta of the united states of America, the declaration of independence."

It is hereby petitioned that the 17th section of the judiciary act of 1789,c 20, enacts :that all the said courts shall have the power to make and establish all necessary rules for the orderly conducting of business in the said courts, provided such rules are not repugnant to the laws of the united states : .. That this court and the commission will not act with repugnance to the laws of the united states as we the united states district court ,southern district of Florida and the securities exchange commission .

It is hereby petitioned that in no time in the court history of this nation has the supreme court been called on by a citizen in the form of redress of grievance to restore hs liberty that has been taken away by and inferior federal

court of this court :at no time in the history of this nation have the justices of the supreme court refused to allow a citizen his day in the court :at no time in the history of this nation have the justices of the supreme court refused a citizen because of his financial standings ,his liberty ;at no time in the history of this nation have the justices of the supreme court refused to uphold the constitution of the united states of America ;therefore , it is under the constitution and the declaration of independence and the will of ALMIGHTY GOD backing theses two documents that this court to attempt to define liberty with out saying that it is not the freedom of choice that the citizens of this great nation desire.

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 America³⁷. It is herby petitioned that the court issued by the united states district court ,southern district of Florida placing me and my family ,in involuntary servitude is repugnant to the article v of the amendments to the constitution of the united states of America which states , "no person shall be held to answer ... nor be deprived of life ,liberty ,or property ,with out due process of law.

I am demanding a criminal investigation by the Oig and the justice department and request all my file and these proceedings to be turn over to the department of justice and the office investigative general of the commission.

It is hereby petitioned that the court order by united states district court ,southern district of Florida is not a law in accordance with the definition of law in the supreme court ruling -- hurtado v California 119 ,u.s. 516 4 th ,ct 111,28,1 ed,232 (1884). This ruling is quoted ; "it is not every act,; legislative in form , that is law. Law is something more than a mere will exerted as an act of power. It must be not a special rule for a particular person ,or a particular case ,but in the language of Mr. Webster ,in his familiar definitions , "the general law ,a law which has before it condemns which proceeds upon inquiry ,and renders judgment only after trial,: so that every citizen shall hold

his life, liberty ,property and immunities ,under the protection of the general rules which govern society .and thus excluding ,as not due process of law , and penalties ,acts of attainer, bills of pain and penalties ,acts of confiscation, acts of reversing judgments ,and other special ,partial and arbitrary power ,enforcing its edicts to the injury of the persons and the property of its subjects ,is no law, weather manifested as the decree of a personal monarch or of an impersonal multitude . And the limitations imposed by our constitutional law upon the action of the government ,both sate and national ,and essential to the preservation of public and private rights ,not withstanding the representative character of our political institutions. The enforcement of theses limitations by judicial process is the devise of self governing communities to protect the rights of individuals and minorities ,as well against the power of numbers ; as against the violence of public agents transcending the .limits of lawful; authority ,even when acting in the name and wielding the force of the government. It follows that any legal proceedings enforced by public authority ,weather sanctioned by age and custom, or newly devised in the discretion of the legislative power ,in furtherance of tie of general public good, which regards and preserves these principles of liberty and justice ,must be held to be due process of law."

The above court order does not stand for liberty and justice ,as defined in the dictionaries of this country ,to wit:

1. Webster's sevent new collegiate dictionary ,copy right 1963, defines liberty as .1 :the quality or state of being free: a. the power to do so as one pleases , b freedom from physical restraint , c freedom from various social ,political ,por economic rights and privileges . E the power of choice."
2. The American heritage dictionary of English language ,copy right 1970, defines liberty as . 1 a. the condition of being not subject to restriction or control. B. the right to act in a manner of ones choosing. 2 " the states of not being in confinement or servitude."
3. Webster's new twentieth century dictionary . Copy right 1957, defines liberty as . 1 freedom or release from slavery ,imprisonment ,captivity ,or any other form of arbitrary control. 2 the sum of rights and exemptions possessed in common by the people of a community ,state.

It is hereby petitioned that the court has deprive me and my family of liberty and subjected me and my family to slavery

as defined in the dictionaries of this country, to-wit:

1. Webster's seventh new collegiate dictionary ,copy right 1963, defines slavery as .2 :the submission to a dominating influence " subservience ."

2. The American heritage dictionary of English language ,copy right 1970, defines slavery as . 3 a. the condition of being or addicted to a specified influence.:

3. Webster's new twentieth century dictionary . Copy right 1957, defines slavery as . 3. A condition of submission to our domination by some influence, habit ect.; . It is hereby petitioned that the court has deprived me and my family of involuntary servitude as defined in the dictionaries of this country ,to wit;

1. Webster's seventh new collegiate dictionary ,copy right 1963, defines servitude as .1; the subjection to another that constitutes or resembles slavery or serdom 2; aright by which something (as a piece of land) owned by one person is subject to specified use or enjoyment by another syn, servitude ,slavery ,bondage mean the state of being subject to a master . Servitude mean is chiefly rhetorical and imprecise in use;it implies in general lack or liberty to do as one pleases ,specifically lack of freedom to determines ones course of action and conditions of living slavery implies subjection to a master who owns ones person and may treat one as property :bondage implies a state of being bound in law or by physical restraint to a states of complete subjection to the will of another.;

2. The American heritage dictionary of English language ,copy right 1970, defines slavery . Synonyms : servitude, bondage ,slavery. These nouns state a condition of being involuntary under the power of another . Servitude sometimes refers broadly to the absence of liberty but generally implies involuntary service. : bondage emphasis's being bound to service of another with virtually no hope of freedom. Less literally ,slavery and bondage can refer to subjection to any person ,economic system ,or vice.;

3. Webster's new twentieth century dictionary . Copy right 1957, defines servitude as . 1 the state of involuntary subjection to a master ;slavery ;bondage . 2.; a state of mental submission or subordination; a slavish dependence ; servility

It is herein charged that the united states district court, southern district of Florida, did on the 17th day of October

2013, violate the seventeenth section of the judiciary act of 1789 c . 20 ,and in so doing conspired with the securities exchange commission. to violate article I ,section , clause 18 by unlawfully legislating laws contrary to the aforementioned article."

It is herein charged that the united states district court, southern district of Florida, did willfully violate article IV , section 2, clause I of the constitution of the united states of America ;article I the amendments to the constitution of the united states pf America, article V of the amendments to the constitution of the united states of America, article VI &VII of the amendments to the constitution of the united states pf America; article VIII of the amendments to the constitution of the united states of America; article IX of the amendments of the constitution of the united states of America ;article X of the amendments to the constitution of the united states of America; article XIII of the amendments to the constitution of the united states of America and article XIV of the amendment to the constitution of the united states of America.

It is herein charged that the above charged members of the securities exchange commission of the united states conspire with the united states district court , southern district of Florida to violate articles I ,V, VI,VII,VIII, IX ,X XIII,and XIV of the amendments to the constitution of the united states of America.

It is hereby petitioned, that magistrate Hopkins and senior judge Ryskamp and associated justices, that you brethren of the court have the final say so in regards to the interpretation of the constitution of the united states of America. I am nothing ore then an average every day citizen educated in the average schools in America. In schools of this country , it is thought that America is the ;and of the free and that the constitution of united states of America is not just a piece of paper but the foundation for this freedom. If you brethren of the court s derive your power from the constitution of the united states of America, then it is impossible for you to disregard this constitution. I derive the power of freedom of choice not interpreting the constitution but rather by the supreme courts interpretation of this constitution. I feel as and America citizen that this courts interpretation of the fourteenth amendment in the is bar far the greatest form of justice ever rendered with the exception of the emancipation proclamation, but because of the reluctance of the securities exchange commission to enforce it, the citizens of America have been placed in involuntary servitude by this court.

95. You brethren of the court have stated that the freedom of the choice plan for public education was not a "sacred talisman" in those, but I say to you that the constitution of the united states of America is a "sacred talisman" and the rights it grants have to be a "sacred talisman". This court held in 1873 that I have the right of every other citizen in America under article IV, section 2, clause 1 of the constitution of the united states of America. Has it been so long since the writing of the constitution of the united states of America that this court has forgotten that this right was given to me by the abolishment of the articles of confederation?

Your brethren of the court have issued court orders that discriminate against individuals who can not afford legal counsel. Your brethren of the court have attempted to make the rules and laws of this great state and the united states of America, like the systems of the union of soviet socialist republics, (the government informs the people of America what who are pro se in this court) all of this you have done in order to bring the American to the realization that dual but equal due process of law and the non appointment of counsel were unconstitutional.

If elected officials operate this country including the court systems in direct violation to the fourteenth amendment to the constitution of the united states of America and try to force the above stigmas on the people of America, then these public officials should be indicted by a federal grand jury for violations of their oath to support the constitution of the united states of America. In palm beach county Florida, the commission admitted in court that they were operating separate but equal institutions enforcing their edict on Daniel Imperato or others. By charging these elected public officials with a violation of the fourteenth amendment to the constitution of the united states of America it is doubtful that members who replace them would violate the fourteenth amendment to the constitution of the united states of America. It is true that all the people would choose to have the right to counsel and it is true that's all the people would have the right to counsel, but those who did could say the constitution of the united states of America gives me this liberty. Those that did not choose would not be saying the federal courts have taken away our liberty according to the constitution of the united states of America.

I have summonsed you members of the court to that should have granted only one thing -- the right of freedom of

choice to a jury trial (of which I was denied and shall void any judgments as repugnant to the United States Constitution and unlawful) or produce the laws under the Constitution which deny me this right and dismiss this proceedings with prejudice.

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.

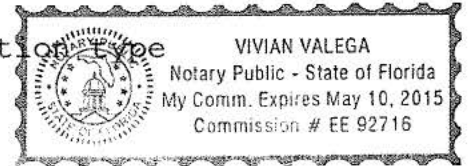
State of Florida
Palm beach county

Sworn to and subscribed before me the undersigned notary public, this 13th day of MAR. 2014

My commission expires 5-10-2015

personally known produces identification
produced Florida Driver's License

Vivian Valega
Notary public



Document prepared by [REDACTED] march / 13th / 2014

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

[REDACTED]