Edward M. Daspin, pro se

September 19, 2022
Case 3-16509

Supplemental declaration to the declaration of September 8, 2022. In further support of my prior declarations' motion in addition to restructuring the inhouse process.

Dear Secretary Ms. Countryman:

I declare under the laws of the United States that the foregoing is true to the best of my knowledge and memory. I know if I willfully misrepresent that I am subject to punishment.

The inhouse proceedings and those portions of the Dodd Frank Amendment that permit a portion of those proceedings are unconstitutional and violate other Constitutional amendments that are sacred to our form of defendant protection. Currently the inhouse process gives the prosecution 4 to 5 times more discovery than the defense making it impossible for justice for the defendant to be balanced. In addition, the elimination of due process alleges guilt before any trial, further damaging the defendant's reputation, and assuring that a complaint will be issued inhouse against the defendant. In addition, the prosecution has the first right of jurisdiction of a case initiated by the Commissioners who do not have adequate time to make a meaningful judicial review prior thus destroying the defendant's reputation. In addition, the Federal District Court process has been trampled and the United States Supreme Court has been insulted not only by a non-jury trial, but because the lower court justices are not the ultimate fact finders.

I attach to this letter declaration my September 8, 2022 in support of my prior motions.

> "I looked on the electronic filing and for some reason this Commission did not publish my September 8 declaration in support of motions so I attach it as an exhibit"

It is important that you realize that the United States Supreme Court will not permit its powers To be subverted by Congress and/or the President of the United States actions. The inhouse process that I encountered violates important Constitutional Amendments. Under the 7th Amendment we have a right to a jury trial before any inhouse adjudication. Under the 2nd Amendment we have the right for all inhouse judges to be appointed under Article 2. As a matter of law, defendants have a right to be judged by an impartial judge and not a delegate chosen by the Commissioners. My case proves that all of the above criminal defects were violated. Our Constitution gives defendants the right for their defense to have sufficient time for discovery to match the prosecution's time of discovery. In my case, the prosecution took 2 ½ years of discovery by holding back submitting its Wells Notice, while my lawyers had 3

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months to reply to the Wells. In fact, I analyzed the average Commissioner's time spent to initiate a complaint. I allocated 40% of a Commissioner's time for him/her to review a case (800 hours) after deducting the administration of the 4500 employees in five divisions. I assumed 100 cases per year per Commissioner for Wells review. That gives the average Commissioner 8 hours of his or her direct time per case. My case has 15,000 pages of documents + or – and both Wells submissions cross referenced cases are about 1,000 pages. That gives a Commissioner enough time to read about half a minute per page, but because overzealous prosecutors and/or prosecutors that concoct wrongdoing allegations that are untrue, make the defendants' attempt to dismiss the case impossible. Through this chicanery any Commissioner has limited opportunity to refuse a dismissal motion and therefore initiate a complaint of guilt.

All of the above bad faith mentioned conduct on the part of the prosecution and its enterprise members occurred in my case. In addition, Judge Murray and Judge Grimes acted as criminal prosecutors against me in my case when Judge Carol Foelak found as fact that if anyone forced me to testify, I would be irreparably harmed. Judge Murray played musical judge chairs and concocted a full schedule for Judge Foelak as an excuse to move my case to Judge Grimes.

In 2015 the Wall Street Journal's article "…SEC wins big with inhouse judges…" disclosed that Judge Lilian McEwan declared that Judge Murray pressured her to find more cases for the prosecution. Judge Murray asked Judge Cameron Elliot to submit an affidavit to the WJS to contravene Judge McEwan's pressuring declaration. Judge Elliot was the presiding judge and refused to do so, so true to form, Murray ousted him and replaced him with Judge Grimes. Then Judge Murray went in contempt of Judge Foelak's finding of fact and protective order. Three weeks later Judge Grimes violated the finding of fact, dissolved the protective order and forced me to testify in 120 days.

Just before I was served with the SEC complaint, I filed and OSC for a TRO before Judge Bachman, a Federal District Court judge asking her to order that if the SEC filed a complaint against me, they file it in District Court and not inhouse. I explained that I was hospitalized six times in the last 12 months and that I could not take the stress of learning 15,000 documents in one year and I knew I would get a jury trial and fair discovery time in Federal District Court. The McGrath prosecution, aided by Judge Murray, defrauded the Federal District Judge by indicating that the case would take less than 365 days (it has taken almost 7 years) and failed to inform the Judge Bachman of the fact that all inhouse judges were Constitutional violators, etc.

Finally, on August 2018, the United States Supreme Court voided guilt findings in 150 inhouse cases because none of the inhouse judges were Constitutionally appointed.

In Lucia v. SEC the justices order that no judge that participated in a pre-Lucia adjudication be permitted to hear the case again if the defendant objected. I motioned Judge Murray to recuse herself because she initiated and orchestrated the Grimes/Murray default judgment and she had a monetary interest in finding me guilty, and she was an agent and representative of the Commissioners as their delegate. She refused and concocted that I was guilty based upon using witnesses that I proved were suborned to perjury by the SEC.

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If you review my Wells Reply brief, Exhibit A, the dishonest shareholder meeting of 6/19/201, the entire conspiracy of the MacFarlane Newco Enterprise members and the WMMA/WDI Enterprise members in conspiracy with the McGrath Enterprise members who aided and abetted by the Murray/Grimes Enterprise members, and if you read the documents, I refer to in prior submissions, you will see William MacFarlane, and his counsel, Katherine Richter suborned perjury in the WMMA Chapter 11 using perjurious declarations by Mr. Main, Mr. MacFarlane, Mr. Sullivan, and Mr. Beckedejian.

Federal Bankruptcy Judge Gambredella found as fact:

> "…Mr. Daspin was innocent of any wrongdoing in WMMA…" in the 2014 Chapter 11.

When Mr. Wayne Craig, a MacFarlane Newco Enterprise member, sued me and Mr. Agostini in WMMA for securities fraud inducement, a New Jersey District Judge dismissed the complaint with prejudice.

In Main's 2019 direct testimony, he admitted he and Tropello wrote the WMMA projections contravening the complaint that I wrote them to defraud prospective investors. In my cross examination of Main and Lux they both admitted:

> "…they jointly controlled WMMA without using anyone else's opinions…"

In December 2012, Mr. Nwugugu, in his Chartis insurance claim for $1 million, in paragraph 6 admitted he wrote 100% of WMMA's PPM. Mr. Beryl Wolk, the owner of the IMC database, in his Brady, said he was offered $90 million for the IMC database, yet the Wells Complaint alleged that I and MKMA exaggerated the value of the IMC database by appraising the value of the database at $83 million. Mr. Nwugugu's answers to the OIP, attached to his Brady recantation, admitted he wrote the WMMA/MKMA service contract where the OIP alleges I disguised investment banking fees as human resources fees. In fact, using the Lehman formula with an average investment of $350,000 the investment banking fee calculates to $18,000, whereas the human resources fee calculates to $38,000.

The SEC's own fraud analyst in 2019 testified that I did not milk $1 million in fees from WMMA, but rather:

> "…CBI/Daspin/MKMA collectively only receive $240,000 …"

Mr. Lux's 8/29/2013 deposition testifies:

> "…Daspin was not an officer, director, or shareholder of WMMA…if a director invited Daspin to a Board meeting, none of the directors were required to use any of his opinions…"

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He also testified:

> "…Nwugugu wrote a lion's share of the PPMs…"

However, six years later after an inducement of a non-cash settlement by McGrath he perjured:

> "…Daspin dictated the PPM over the shoulders of Mr. Young…"

I could go on and on, but the facts are that because the inhouse process is completely inadequate to initiate a complaint against anybody, even the devil, because the Commissioners can't make an informed decision, so they rely on their own enforcement and prosecution divisions Wells Notice allegations.

I have given this Commission notice that it is obliged to pay me my hourly rate, if it uses any portion and/or all of my inhouse litigation plan. So far, this Commission has relieved Judge Murray and hired Judge Foelak to substitute for her as the Chief Administrative Judge and also have stopped delegating cases to the inhouse administrative judges. That is 50% of my work product. The other percent is to obtain the Chief Judge of the United Supreme Court's consent to permit each of the presiding Circuit Court judges to appoint standby judges to serve as SEC advocates before a defendant's pre-complaint initiation. They should review the Wells submissions for 30 days, have up to 2 days subpoena of the lead attorneys for both parties, and 1 day for whistleblowers' discovery, and provide to the Commissioners an overview of the Wells for a meaningful judicial review to enable the Commissioners to make an informed decision. They should also eliminate the Commissioners first right of appeal because it is the Commissioners who initiated the original complaint. In that manner, the defendants are assured a jury trial and a Federal District Judge to find the facts on appeal. The way it is now, the Commissioners initiate the complaint and then get the first appeal, and the Commissioners finding of fact cannot be changed by the Federal Courts. You cannot take the rights of the Federal District/Circuit/United States Supreme Court away and give them to the Executive Branch Commissioners. Every country has the equivalent of a Congress and Executive Branch, but only we have the Constitution and the United States Supreme Court. That is what makes our country great and that court has the right to determine what our forefathers intended when they wrote the Constitution.

The facts contained in this declaration are proven in my prior submissions to the SEC.

When I filed a TRO in Federal District Court before Judge Bachman, a McGrath Enterprise member indicated in 365 days the case would be resolved, if Judge Bachman dismisses my request. It has taken over seven years. The Commissioners have delayed adjudicating my appeal four times and now I find they didn't file my September 8th submission, which is attached as Exhibit A.

The facts of this case irrefutably prove that I had no control of WMMA and that I committed no wrongdoing to WMMA and that I had no scienter of any wrongdoing as the Wells Complaint

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alleges. On 1/15/2011 my wife Joan sold her majority interest in WHLD, the 92% owner of WMMA/WDI. She sold it to the three WMMA Board members, Mr. Main, Mr. Lux, and Mr. Agostini. 5 days later the WMMA Board unanimously agreed to my company's sale of its 5-year consulting service contract for WMMA to MKMA and that contract provided that I could not provide consulting services to any MMA company other than to MKMA. During 2011 my wife made a 3% simple interest loan and advances to WMMA in excess of $500,000. During that same period, I, CBI, and MKMA invested $4,640,000 to WMMA in capital including $880,000 of unsecured contingent subordinated notes, which WMMA and WDI owed MKMA. The SEC fraud analyst testified that I did not receive the $1 million fraudulently charged against me in the Wells Notice and SEC complaint. In fact, she testified that I, CBI, and MKMA only received $240,000 disproving the false allegations against me that I made WMMA's mission solely to milk its assets for my own account. These investments by me and MKMA prove that I had no knowledge of wrongdoing. I would have never allowed my wife to invest in any company involved in any wrongdoing. By my wife's sale to Lux and Main they became the majority shareholders of WHLD and as the majority disinterested shareholders of WMMA they had absolute control over WMMA. They did this by co-signing 37 Board of Directors resolutions over 15 months. In addition, I proved that the SEC admitted 3 WMMA investor operators, Puccio, Lockett, and Heisterkamph perjured their respective subscription warrantees alleging they were accredited, when they were not.

In fact, Mr. MacFarlane in February 17, 2012 became WMMA's President with Mr. Main's resignation although Main retained his position as Secretary and member of the Board of Directors. MacFarlane and his Newco Enterprise partners, Mr. Jeryll and Mr. Craig, took over control of WMMA. The SEC fraud analyst testified that the operators of the 3/31/2012 event lost $1 million. Mr. Lux, WMMA's CE0 and director in his 2013 SEC deposition, he testified MacFarlane lost the $1 million at that event due to gross negligence. As the SEC fraud analyst testified the budget for the 3/31/2012 event was only $450,000. That event was to be an internet event, but Lockett's Brady disclosure stated that MacFarlane made it only a cable event. In fact, on 5/10/2012 Mr. Craig admitted he stole 15,000 WMMA t-shirts and at $20 retail price per shirt, he pocked the $300,000 value. Craig threatened in an email that he would cancel all future 24 regional events, unless WMMA paid for them and gave him 25% ownership of WMMA. WMMA did not succumb and MacFarlane forced WMMA into a Chapter 11. MacFarlane's strategy was to buy WMMA on the cheap.

Mr. Craig sued me, Mr. Agostini, and WMMA for securities fraud by fraudulently inducing him to invest. The Federal Judge in New Jersey dismissed his complaint with prejudice. This proves that there were two res adjudicata that I committed no wrongdoing at WMMA and no securities fraud. In the Chapter 11, the judge was proved by my attaching exhibits to my Reply Declaration that MacFarlane, Main, Sullivan, and Beckedejian perjured their respective declarations. My Wells Reply brief, Exhibit A Page 17, the dishonest shareholders meeting of 6/19/2012 proves that Ms. Puccio, a McGrath Enterprise member suborned all investor operators to say I was a control person. It also shows MacFarlane's attempt to bribe the investors and you now know that the Murray/Grimes Enterprise conspired with the McGrath

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Enterprise Members to conspire against me to steal WMMA and its assets and to bribe the WMMA investor operators as witnesses. Judge Murray's final order does that.

In fact, the SEC on October 10, 2011 stamped WMMA's PPM as exempt securities under 506 Reg D proving the conspiracy and enterprise by members of the SEC were unjustified and meant to aid the MacFarlane Newco Enterprise.

I am saddened by the Commission's coverup of the conspiracies and other predicate acts that were criminal and that harmed me physically and emotionally in violation of Judge Foelak's order that if anyone required me to testify, I would be irreparably harmed.

The Commission has delayed my request for remuneration five times for 90 days each time since August of 2021. In closing, again I am asking for the remuneration that I am entitled to.

Respectfully,

pro se

Certificate of Service

By mail:
Joseph Biden, President of the United States
John Roberts, Chief Justice of the Supreme Court

By email:
Kevin McGrath
The Wall Street Journal

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EXHIBIT A

Edward M. Daspin, pro se

Case 3-16509

Supplemental modification of my last chronological declaration in support of motion(s) and certificate of service

September 8, 2022

Dear Secretary Ms. Countryman:

I declare under the laws of the United States that the foregoing is true to the best of my knowledge and memory and modifies certain statements that I made in my prior chronological declaration. I know if I willfully misrepresent that I am subject to punishment.

As discussed in the final chronological declaration, I informed the Commissioners of the conspiracy by five enterprises that defamed my character, that suborned the perjury of the investor operators to allege that I was a control person when each of their WMMA/WDI employment agreements did not give me any right to control them, nor were they required to report to me. In fact, the consulting agreement I signed on 1/20/2011, which was authored by WMMA and all of its Board of Directors proved the fact that I worked exclusively for MKMA when CBI sold its rights to its five-year consulting agreement with WMMA to MKMA. WMMA's bylaws provide control of WMMA to its Board of Directors and not to me or MKMA.

In my Wells Reply brief, Exhibit A of 6/19/2012 on page 17, makes it imminently clear that Ms. Puccio, a McGrath enterprise member, a member of the WMMA/WDI Investor Operator enterprise, and the MacFarlane Enterprise suborned the perjury all of the investor operators:

> "…to say Ed controlled all small and large things at WMMA…and I will sign it…"

She also stated that the investor operators should not say:

> "…that Ed controlled the WMMA Board of directors as Ed denied that in writing…"

I informed you of the facts clarified in the subpoena documents that WMMA sent to the SEC New York Region consisting of 10,000 pages at the end of 2012 that the evidence contradicted the Wells Notice and Complaint's allegations of wrongdoing by me as Mr. Lux's SEC deposition on 8/29/2013 he testified:

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> "…Mr. Daspin was not an officer, director, or shareholder of WMMA…if Ed was invited to Board meetings, none of the directors of WMMA were required to accept Ed's opinion on any manner…Mr. Nwugugu wrote the lion's share of the WMMA PPMs…"

Judicial notice should be taken that after Mr. McGrath settled Mr. Lux out for no financial consideration, six years later McGrath in his 2019 testimony, when he was asked who wrote the WMMA PPM, the identical question he was asked in 2013 by McGrath both times, Lux changed his testimony:

> "…that Daspin wrote the WMMA PPM by dictating over Mr. Young's shoulders…"

If that doesn't prove perjury by Mr. Lux by Mr. McGrath, nothing does.

Mr. Main committed perjury when he submitted a declaration in WMMA's Chapter 11 alleging he never participated in writing any portion of the WMMA PPMs. Mr. Main and Mr. Lux admitted and testified in my cross examination of each separately in 2019:

> "…that they together jointly controlled WMMA (as a majority of WMMA disinterested directors) and that they accepted no one else's opinions as to which investors to approve and the amount they could invest…"

Mr. Main's declaration also corroborated Mr. Sullivan's Chapter 11 2014 declaration wherein Sullivan perjured himself wherein:

> "…Mr. Daspin directed me not to file a 1099 against MKMA…"

Mr. Beckerdejian also corroborated that perjury of Sullivan's. My reply declaration proved that contained in the dishonest shareholders' meeting of 6/19/2012 the glossary shows in essence Mr. Beckerdejian directing Sullivan by stating that:

> "…the partners of Price Waterhouse and KPMG told me WMMA was in the clear by not filing a 1099 against MKMA…"

All of these declarations omitted the material fact that when Mr. Sullivan, WMMA's CFO, submitted WMMA's 2011 financial statement he did not file a 1099 against MKMA, and they omitted that fact from their Chapter 11 declarations beside lying that I directed him not to file a 1099 against MKMA (see the 6/19/2012 dishonest shareholders' meeting under Mr. Beckerdejian and KPMG). The extent of the perjury against me by the investor operators in this case knew no bounds as they obeyed the SEC whistleblower!!!

The SEC disclosed that Lockett, Puccio, and Heisterkamph perjured their subscription warrantees by stating that they were each accredited investors, when they SEC admitted to us that they were not.

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In 2019 Mr. Main testified on direct examination:

"…that he (Main) and Mr. Tropello wrote the projections in the WMMA PPM…"

Thereby contravening his 2014 declaration in the Chapter 11 declaration that he:

"…he never wrote anything in the WMMA PPMs…"

Similarly, the SEC complaint alleged that I artificially stated IMC's database value to $83 million while they already had in hand Beryl Wolk's testimony that he was offered $90 million for the database (In other words they selected acts of wrongdoing that they know their evidence was false).

The McGrath Enterprise complained I committed a wrongdoing by exaggerating and preparing WMMA's projections to defraud prospective investors. They knew that was untrue and they also failed to point out that between the perjurious subscription agreements and the perjury committed in the Chapter 11 declarations, all the investors, except Mr. Lang were perjurers and responsible for what the SEC blamed against me as the reason for security fraud violations, I.E. that I controlled WMMA and that I wrote the WMMA PPM. In WMMA's submission of 10,000 subpoenaed documents Mr. Nwugugu's December 2012 CHARTIS INSURANCE CLAIM FOR $1 MILLION he admitted in paragraph 5:

"… that he wrote 100% of WMMA's PPM…"

The WMMA bylaws give exclusive control of the Board of Directors and its resolutions.

(The above also proves that Judge Murray violated her oath to be honest, just, and moral as she alleged in her manifest errors and finding of facts that she relied on the perjurers' testimony!!! What we have is a provable criminal conspiracy to fix my case and find an innocent defendant guilty for Murray's own monetary interest and because she was in bed with the McGrath Enterprise members.)

WMMA submitted 37 Board of Directors resolutions in 2012 to the SEC demonstrating over the 15 months operation. In other words, it was clearly the Board of Directors' resolutions that controlled WMMA, which is what the by-laws of WMMA state. Included in the documents to the SEC was the 1/20/2011 Board Resolution of WMMA and contract making me MKMA's subcontractor exclusive consultant and requiring that I represent no MMA (mixed martial arts) company other than MKMA. Not one WMMA employment contract made me a report to person. The only person that that stated thatI was a report to person was Ms. Puccio, the SEC whistleblower, as demonstrated in the 6/19/2011 dishonest shareholder meeting. In the same contract the sale by CBI of the WMMA consulting service agreement recited that I and CBI would be subcontractor consultants to WMMA for MKMA, nor could MKMA bind WMMA to any agreement by us unless two officers (and or directors) of WMMA agreed and signed it. In this matter with no control over any WMMA employee, which was proven in the WMMA

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Chapter 11, when my reply declaration to Sullivan's perjury that I directed him was disproven as in his WMMA employment contract his report to person was only to Mr. Main.

In 2019 Mr. Heisterkamph, another perjurer, by warranting that he was accredited, testified that I fraudulently induced him to subscribe to WMMA/WDI shares by informing him that WMMA had $32 million in cash in its bank account when he asked me and Mr. Main what was WMMA's financial condition. My cross examination asked him when I made that representation in the interview process? He stated in essence:

"…when I asked how much cash WMMA had Mr. Main said more than it needs to operate and Daspin asked me to look at the 1/5/2012 WMMA PPM…"

I looked at the paragraph of the financial projections in that PPM with him (that Main's testimony that he and Mr. Tropello prepared). Right above the projection was a note stating that the first year's projection was based on the revenue and profits generated from WMMA's first event. I then asked Heisterkamph when had he enrolled in WMMA. He stated that:

"…February 2012…"

I then asked him when was WMMA's first event? He stated:

"…in March 2012 …"

He then acknowledged he made a mistake.

This proved that Heisterkamph could not rely on the cash on the balance sheet because the first event had not occurred. In fact, Heisterkamph asked Mr. Burnham to back date his subscription and employment agreements to the day he visited on his first interview because when he left WMMA's interview and flew to Michigan (his home) he was greeted by a matrimonial judge's ordered not to touch his 401K funds because his wife had just filed for divorce. In this manner, he explained to Burnham, the judge would believe he didn't receive the order until after he had committed to WMMA. This is the type of morality, or lack thereof, of all the WMMA investors demonstrated and which Judge Murray knew left a trail of manure on her courtroom floor. Despite that her findings of fact and manifest errors of fact prove she relied on these perjurers, who all breached their fiduciary to WMMA as officers of WMMA, agreeing on 6/19/2012 in the dishonest shareholders meeting pursuant to Ms. Puccio directive to them as a McGrath Enterprise member and SEC whistleblower:

"…say that Ed controlled WMMA…"

This also proves is what former Judge Liliian McEwan stated to the WSJ that:

"… Judge Murray pressured me to fix cases for the SEC…"

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Purposely finding me guilty, when the prima face facts prove my innocence; when Federal Judge Gambredella found:

> "…Mr. Daspin did not do any wrongdoing in WMMA…"

My case is marred by permitting ADLJs not to be Constitutionally appointed; by permitting ADLJs to be delegates of the Commissioners by putting them on the prosecution's side; and further proves that the inhouse tapestry of fraud has been included by voiding out juries, and in my case, providing the prosecution with five times the amount of discovery as they got 2 ½ years and the defense only got 3 months. No Commissioner can be proud of the impact of Dodd Frank against defendants receiving justice.

Indeed, the strength of the Supreme Court has been usurped when the Commissioners finding of fact precludes a Federal and District Court's finding of fact. I tried to clean the inhouse act up as my strategic judicial plan which eliminates the Commissioners' first right of appeal, and requires any appeal of the ADLJ's findings to be heard in Federal District Court if the defendant requests. I recommended pre-complaint initiation, a standby Federal/District Court judge as an advocate for the defendant, and to submit the advocate's opinion to the Commissioners. These simple changes I project will save 20% of the complaints inhouse.

I was never found guilty of perjury in 40 years and out of 350 acquisitions I made there were 50 lawsuits, and as a defendant I never lost a case. In fact, there were three res adjudicata contravening any security fraud or wrongdoing prior to Judge Murray taking the second hearing in 2019. In the 2014 Chapter 11, Federal Judge Rosemary Gambredella and Federal Trustee Mr. Guardino both found as fact that:

> "…Mr. Daspin committed no wrongdoing at WMMA…"

Also, a Federal District Judge in the Craig v. WMMA/Daspin matter, wherein Craig sued me for securities fraud and fraudulent inducement (when he didn't invest more than $1 to obtain 8 USA regional promoter contracts), my response to his complaint included the two exhibits he referenced in his complaint but did not attach to his complaint. Those exhibits contravened each allegation he made against me and WMMA, proving I committed no securities fraud. The judge dismissed his complaint with prejudice.

In addition, Exhibit C of my Wells Reply Brief is the Federal Judge's finding of my innocence of securities fraud using the identical service contract as Mr. Nwugugu's Brady recantation, in which he attached his OIP answers, stated he wrote the WMMA/MKMA/Daspin five-year consulting contract and it was almost identical to Chamco's service contract proving the res adjudicata that Judge Murray's manifest error alleging I disguised investment banking fees as if they were human resources fees. Such finding of fact was absurd by Judge Murray, because using the Lehman formula for investment banking fees the amount comes to $18,000 versus using the human resources fees which come to $38,000 per transaction for the six WMMA

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investors that each were to receive $150,000 per year salary. The fee was to be $25,000 or 25% of the base salary.

MacFarlane and Puccio were the ringleaders to entice the New York SEC region to make allegations of securities fraud against me. In the WMMA Chapter 11, MacFarlane testified that he was never President of WMMA. My reply declaration included two WMMA contracts he signed as WMMA's President. One was with IN DEMAND and the other Bell Canada for the satellite signal for the 3/31/2012 WMMA charitable event. After MacFarlane and Puccio, in August of 2012, sent their resignations to WMMA, she alleged that she, Sullivan, and Beckerdejian knew WMMA was a Ponzi scheme (yet in 3/27/2012 she submitted to Mr. Nwugugu declaring on that day she invested $500,000 in WHLD for .89% of one common share of WHLD, three months after she alleged that she knew WMMA was a Ponzi scheme), and that WHLD owned 92% of WMMA. The SEC McGrath Enterprise members were just as dirty as was Judge Murray. In MacFarlane's resignation of 2012 he alleged he was never WMMA's President. Heisterkamph filed a Chartis Insurance claim in August of 2012 because he said in his claim that he saw MacFarlane admit he was President of WMMA in an IN DEMAND trailer of the to be broadcast 3/31/2012 WMMA charitable event. In Mr. Lockett's Chartis claim when he subscribed in January 2012 that Puccio did not disclose that WMMA was a Ponzi fraud. Neither of them mentioned to Chartis that I had fraudulently induced them! In addition, all six WMMA/WDI investors breached their fiduciary as WMMA officers in the dishonest shareholders meeting wherein they all agreed to perjure that I was a control person and if you read the glossary to the 6/19/2012 dishonest shareholders meeting you will see that Lockett represents that he will smash my head against the wall and curse me to give MacFarlane's Newco MMA on the cheap. MacFarlane induced them to coerce me by bribing those investors, while they were officers of WMMA, to give up WMMA on the cheap and he would pay them current salaries (while WMMA deferred compensation) and he would give them more stock in his Newco corporation than they had in WMMA.

MacFarlane orchestrated this SEC New York regional conspiracy against me in order to put additional pressure on me so his Newco could get WMMA on the cheap. That is demonstrated in your review of the 6/19/2012 dishonest shareholders meeting. Ms. Kazon, the Assistant Director of the New York SEC Region assisted the McGrath Enterprise as a member of it. This included MacFarlane, Puccio, Sullivan, and Main who were McGrath Enterprise members and at the same time Newco Enterprise members, while Judge Murray and Judge Grimes were Murray Enterprise members and at the same time Judge Murray was a McGrath Enterprise member as she aided McGrath to defraud Federal District Judge Bachman in anticipation of an SEC inhouse complaint.

I previously reported to you that prior to the SEC filing its complaint against me, my lawyers filed an OSC for a TRO in Federal District Court before Judge Bachman to ask the District Court to order the SEC to file any complaint against me in Federal District Court and not inhouse. The basis for this relief request consisted of the fact that I had been hospitalized six times in the 12 months prior to the OSC and medically I could not take the stress of a 365-day hearing when the facts were contained in 15,000 pages of documents and because I wanted a jury trial and

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full discovery, which my lawyers told me I would not receive in inhouse proceedings. Mr. McGrath defrauded me and Judge Bachman into believing that the inhouse proceedings were legitimate and that Dodd Frank gave the prosecution the first right to select jurisdiction. He omitted the material facts that all the inhouse judges were Constitutional violators and that all the inhouse judges were agents, delegates, and representatives of the Commissioners. He also omitted the fact that Judge Murray was accused of fixing cases by Judge McEwan. He informed Judge Bachman that Judge Murray informed him to tell the court that she had already selected an administrative judge if Judge Bachman dismissed my motion. The McGrath Enterprise omitted the material facts that all administrative judges were violators of the Constitution's appointment clause and invalidated any inhouse adjudication. He also omitted the fact that the administrative law judges were delegates of the very Commissioners that initiated the complaint against me. A delegate is an agent, representative, and fiduciary of the Commissioners who were delegators. As a result, the administrative judges could not be independent and violated two of my Constitutional rights. At the same time, they deprived me of a jury trial which I could only get in Federal District Court, and in that regard, violated the 7th Amendment of the Constitution (see SEC v. Cochran, 8/22/2022). The SEC enforcement proceeding was similar to traditional actions at law to which the right to a jury trial attaches. The Fifth Circuit Court noticed that while Congress has the right to assign certain proceedings involving public rights to administrative adjudication, it cannot eliminate the right to a jury trial that assign adjudication of claims that are traditional to actions at law to an agency because such claims do not only concern the public interest. My OSC for a TRO demonstrates I tried to preserve my Constitutional rights!

How many frauds perpetrated by the SEC have to incur before I get paid for the wanten disregard by Mary Jo White, by Judge Murray and Grimes, and the McGrath enterprise members. Litigation immunity was not meant to absolve to 2,3,4, violations of the Constitution by SEC lawyers and CPA's. This case should have been stopped when I submitted the 6/19/2012 dishonest shareholders and/or when I submitted Judge Gambredella's finding of fact that:

> "…Daspin committed no wrongdoing at WMMA…"

and, or when I pointed out that the inhouse judges were delegates, agents, and representatives of the Commissioners, and when the Supreme Court submitted in Lucia v. SEC that not one inhouse judge was Constitutionally appointed. Congress permitted an unconstitutional amendment giving preference to the Commissioners regarding findings of fact when the administrative judges are Commissioners' stooges, agents, and representatives. Congress pummeled the separation of power in Dodd Frank. The Supreme Court should not be so gentle as it was in Lucia.

For the above reasons alone, the finding of guilt must be dismissed in my favor. Based upon the fraudulent omissions by Mr. McGrath, Judge Bachman dismissed my motion and I was left at the mercy of an inhouse proceeding before an administrative law judge without a jury, without full disclosure rights, without due process, and with the presumption of guilt, while at the same

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time the inhouse judges were agents for the Commissioners that initiated the complaint against me.

To make a long story short, Judge Murray appointed Judge Carol Foelak to hear my case. Judge Foelak initially ruled against my motion for an adjournment because of my medical disabilities. My first SEC deposition resulted in my [redacted] I then renewed a motion for adjournment, and this time Judge Foelak heard the incontrovertible medical evidence that I had had a [redacted] and based upon that evidence, Judge Foelak found as fact:

> "…if anyone forces Mr. Daspin to testify, he will be irreparably harmed…"

She ordered a postponement Sine Di. Thirty days after the order, when the prosecution ran out of its appeal time, Judge Murray played musical judge chairs by alleging that Judge Foelak was too busy in her calendar and moved my case to Judge Grimes. About two weeks thereafter, Judge Grimes dissolved the protective order, and in his order forced me to testify in 120 days or default. This entire convoluted, unjust scheme of Judge Murray resulted in her being an initiator and orchestrator of my default judgment, because she dismissed my motion to her to reverse Judge Grimes' order. By so doing, she also proved that the reason for her playing musical judge chairs was solely to steal my protective order and force me to testify knowing such force could kill me. Judge Grimes' reason for dissolving the protective order was that:

> "…he didn't like the allegations of wrongdoing by me contained in the OIP…"

And not for any new medical facts.

In addition, he and Judge Murray concocted to reduce the medical exams. My lawyers were ordered by the court to reduce the exams every 45 days down to 30 days. They knew it was medically impossible for me to obtain from six medical physical examination reports and submit medical opinions in that time. At the same time, Judge Grimes permitted my law firm to quit, forcing me to be a pro se, despite the fact that the State of New York and New Jersey case law demonstrates, if a law firm learned the case, and in my case, Herrick and Feinstein, billed over $800,000 for the motions it made so far, and for learning the 15,000 pages of documents that comprised the case's submission, they could not resign. SEC rules contravene the Federal and State case law regarding holding the law firm in, despite the money running out, if the case is ready for trial. SEC law also permits here say evidence to be used. In my case, Puccio, the SEC whistleblower suborned the perjury of all the WMMA investor operators. At the same time, those perjurers made here say allegations to fix an allegation of guilt against me which the signed WMMA documents contravened as they made me a consultant to MKMA. Despite the fact that I was never found to be a perjurer, Judge Murray used all the perjury witnesses, who were investors, instead of disregarding them for the facts contained in the 37 Board of Directors resolutions that contravene their tetimony.

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It is apparent the SEC inhouse proceedings were used to fix and frame innocent defendants as if they were guilty. This was demonstrated in the 6/2015 Wall Street Journal article written by Ms. Eaglesham:

"…SEC wins big with its inhouse administrative law judges…"

In that article, former Judge Lilian McEwan declared that:

"…Judge Murray pressured her to find more cases for the prosecution…"

In that article, it was reported:

"… that the three years average of Federal District Court cases ending 3/31/2015 found 32% of the defendants were innocent, when compared to the SEC's inhouse averages for the same period and same approximate number of cases was a 90% conviction rate…"

In the article the SEC asked Judge Cameron Elliot to submit an affidavit to contravene Judge Lilian McEwan's declaration to the WJS that Judge Murray pressured her to find more cases for the prosecution! Judge Elliot sent a note to the WJS that:

"…he would not submit an affidavit…"

I believe he refused because he knew Judge McEwan told the truth and by going against "the old boy school" and admitting Judge Murray fixed some inhouse cases which he would also be admitting as presiding judge that he participated in not reporting that foul unjust and criminal behavior of Judge Murray, and those prosecution members she aided and abetted to win cases, when the facts proved the defendants' innocence. At the same time, he would not lie in his affidavit so he chose not to comply with the SEC directive to send an affidavit to the WSJ. This gave Judge Murray an excuse to demote Judge Elliot and replace him with Judge Grimes. Judge Murray was the de facto co-administrative law judge in my first hearing with Judge Grimes.

We must not permit Congress to interfere in the division of power between Congress, the Executive Branch, and the Supreme Court. At the same time, Congress created two layers needed to oust an administrative law judge. One was the merit board, while at the same time the merit board members could only be fired by the President of the United States. The Supreme Court has held that this two-layer process is unconstitutional. The Fifth Circuit in JARSKY v. SEC also noted that traditional securities and fraud claims were resolved in the Federal Courts. They also noted that:

"…CONGRESS CANNOT CHANGE THE NATURE OF A RIGHT THEREBY CIRCUMVENTING THE 7TH AMENDMENT BY SIMPLY GIVING THE KEYS TO THE SEC TO DO THE VINDICATING…"

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ON MAY 16, 2022 THE SUPREME COURT OF THE UNITED STATES GRANTED IN SEC V. COCHRAN, A CASE WHERE THE FIFTH CIRCUIT SITTING IN BANK RULED THAT DEFENDANT MICHELLE COCHRAN COULD CHALLENGE THE CONSTITUTIONALITY OF THE SEC ADLJs WITH A JURY TRIAL BEFORE HER CASE WAS HEARD ADMINISTRATIVELY. ON AUGUST 22, 2022 THE SUPREME COURT CERTIFIED THEY WOULD HEAR COCHRAN'S APPEAL.

Two days after on August 24, 2022 the Fifth circuit found in favor of JARSKY in JARSKY V SEC, who had been denied a jury trial, to allow a jury trial before any inhouse adjudication.

The above Supreme Court ruling proves my filing my OSC for a TRO before the Federal District Judge Bachman was Constitutional and the McGrath Enterprise members with Judge Murray's aid and abetment violated my Constitutional rights for the fourth time in this case. This demonstrates the willful, malicious, illegal, and criminal use of unlawful, unconstitutional power as those violations also forced me to testify at the risk of death to myself and shorten my wife's life, when it is obvious that Commissioner Mary Jo White went along with this. I also understand she was directed by the Senate Judiciary Committee in the person of the honorable Senator Elizabeth Warren. This is the third time that the Supreme Court had to protect its division of power without which our nation will fall into obscurity and be no different than England, Russia, or China's ability to violate its citizens' legal rights. Our only strength is the Supreme Court and the Federal District Courts because all the other nations have the equivalent of a Congress and a Chief Executive branch. We must not let Congress to interfere with the division of power. I believe litigation of immunity was given not to chill evidence, but was given to judges and prosecutors to insulate them from accidental mistakes. This case is entirely different. The willful, malicious, conspiracy, subornation of perjury, bribery of witnesses (the investor operators) by the final order by Judge Murray because they participated in the receipt of the judgment against me. The violation of my Constitutional rights and making a judgment based upon perjurers' testimony and the McGrath witnesses suborning perjury, dissolves compassion and justice and justifies payment to me of the time I spent trying to fix a broken inhouse. I ask this Commission not to participate in the violations of my Constitutional rights and voluntarily reimburse me as a whistleblower because I notified the Commission when I copied the submissions I made to Murray/Grimes in the first hearing about Judge Murray's framing and fixing cases by pressuring administrative law judges to find cases for the prosecution when the facts proved otherwise, as in my case. I formulated a plan for the inhouse proceedings to legitimatize them.

By eliminating the Commissioners first right of appeal, by permitting the SEC inhouse judges to expand and hold all SEC cases, and by giving appeals to the Federal District Court for a jury trial if the defendant requested at the same time, would even off the disparity of discovery. As in my case, the prosecution had 2 ½ years from the time WMMA submitted the subpoena documents before they issued a Wells Notice. In that regard, my defense counsel only had 3 months to review 15,000 documents and to write my Wells Reply. Formerly Commissioner Cox dramatically understated the edge the prosecution has in SEC cases. He declared in a 2015 article that the prosecution only had a slight advantage when he knew the falsity of such. The

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current head Commissioner of the SEC recently stated in an interview (I believe it was with Yahoo), concerning bitcoin transactions that he often spoke to the prior lead Commissioners he referred to as colleagues. It is apparent my case was one he spoke about to Mary Jo White.

Congress was conned, by the SEC, alleging that the 2008 disaster was caused by the big banks' greed and avarice, when the facts are different. That 2008 subprime disaster was clearly caused by the SEC not projecting the debacle that would occur when the subprime rate moved above the mortgage holders' ability to pay it currently. At the same time, I understand the head of the FED has shorted the subprime market. In this cover up of the crime and gross negligence of the Commission agencies gave rise to the current conundrum. In my role with WMMA based upon the 1/20/2011 the consulting agreement, the fees are capped at pre-tax profit and incremental investment and the excess are deferred as contingent, non-interest bearing and deferred obligations. All the SEC had to do was cap interest on the subprime loan, and in its place, provide for insurable risk for the excess prime over the borrower's ability to pay the monthly amount. The big banks were victims, just as were the borrowers and Dodd Frank was a sham to castrate the power of the Supreme Court and to provide an edge to the prosecution. That is the reason 90% of the defendants were found guilty for the year ending 3/31/2015.

We must have an ombudsman administer the advocates pre-complaint/initiation opinion selected by presiding Circuit Court judges after receiving 30 days discovery, 2 days lead prosecutor discovery, and 1 day whistleblower discovery to provide the Commissioners with meaningful judicial review of the Wells Notice and Reply so the Commissioners will have a full deck before initiating a complaint. I project this will generate $140 million net savings in one year. That is how you save money and give the defendants a fair shake. The inhouse conviction rate was three times greater than the Federal District Court conviction rate. In order to solve that disparity, my inhouse meaningful judicial plan requests the Chief Justice of the Supreme Court to direct each presiding judge of the Circuit Courts to assign a sufficient number of stand-by District and Circuit judges, as is required, to serve as Wells defendant advocates, prior to the prosecution submitting the Wells Notice pre-complaint initiation. In this way, the Commissioners will receive a meaningful judicial review of the case prior to initiating a complaint to balance the disparity of discovery, as in my case the prosecution had 9 quarters of discovery while my defense lawyers only had 1 quarter to reply. That, in addition to no jury, no due process, and the inhouse club between enforcement, the ADLJs and the prosecutors to give them an unjust, undeniable, reprehensible edge over the defendants will be equalized. The advocate will have one day to depose whistleblowers with the prosecution providing each and every event, deposition, and declaration that contravenes their allegation of wrongdoing. If the prosecution does not disclose all exculpatory and omissions of material facts, the punishment shall be voiding any defendant's guilt finding, and reimbursement of the defendants' costs because of the lack of honesty of the prosecution.

Scienter. In my case, Judge Murray switched judges when she couldn't force Judge Foelak to find my motion against an adjournment. Then she forced Judge Grimes to dissolve my protective order and force me to testify violating Judge Foelak's finding of fact. The McGrath Enterprise members played right along with Judge Murray's musical chairs members, despite

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Judge Foelak's finding of fact. This case proves how disgusting the SEC inhouse adjudication was in my case. I believe it is because the inhouse prosecution judges formed a killing club to kill innocent defendants by willful abuse of the Constitution. The commission of two predicate acts within a 10 year period qualifies for a Civil Rico case providing criminal enterprises, which are representative in my case as the Murray Enterprise, the McGrath Enterprise, and adding the WMMA/WDI Enterprise and the 2015 Commissioner panel members. They all set in motion for these crimes conspired against me, permitted perjury when I reported it to the Commissioners; permitted ADJLs to be Constitutional violators of the appointment clause; and permitted Judge Murray to rule with an iron fist, or if Judge Foelak would not acquiesce, played musical judge chairs. By delegating inhouse judges, making them agents and representatives of the Commissioners; that permitted these crimes to be permitted against me. In this reprehensible, illegal pursuit by the SEC prosecutors and judges mentioned above gives absolute cause for me to sue after this debacle is decided, but in addition, treble damages for Civil Rico.

Judge Murray found I violated scienter based upon her reliance that the SEC admitted they were perjurers by perjuring their accreditation warrantees in their respective subscription agreements (Puccio, Heisterkamph, and Lockett) and like Judge Gambredella found that Mr. Main, Mr. Sullivan, and Mr. Beckerdejian perjurously declared that I directed Sullivan not to file a 1099 against WMMA, when Judge Gambrella found that:

> "...Mr. Daspin committed no wrongdoing at WMMA..."

This was proved by Beckedejian's dishonest shareholder glossary, wherein Beckedejian disclosed that Price Waterhouse and KPMG found WMMA in the clear by not filing a 1099 against WMMA. My reply declaration included Sullivan's WMMA employment agreement proving he had only one person to report to, Mr. Main, not me. Mr. MacFarlane in the Chapter 11 declared he never was WMMA's President, so my Reply declaration included his signature of WMMA's President on the IN DEMAND and Bell of Canada's contracts. If anyone knew of wrongdoing, would they have allowed their wife to lend $550,000 unsecured. Nor would I have capitalized WMMA with $4,460,000 through my companies CBI and MKMA through forgiveness of debt.

This Commission must disengage itself from the wrongdoing that the Mary Jo White's Commissioners permitted to occur to me. However, President Trump's Commissioner did get rid of Judge Murray and did appoint Judge Foelak as Chief Administrative Law Judge. They did implement a portion of my judicial, inhouse reconstruction plan. I informed them if they used any portion or all of my plan, which consists of 11,000 hours at $350 per hour, I should be compensated. I also asked they reimburse me $1,000,000 for defrauding me out of my litigation funds, as I was forced to be a pro se after the McGrath/Murray Enterprise members defrauded Judge Bachman out of Federal District Court. In addition, they [redacted] [redacted] which cost me $2,500,000 that was unjust and I asked for to be reimbursed for those damages. The total cost is $6,750,000. If you find me innocent and settle the case, I will sign general releases against everyone you wish. The balance of my inhouse reorganization plan consists of some simple modifications, eliminate the Commissioners first

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right of appeal (as it makes no sense as the Commissioners initiated the complaint in the first place). Giving them a right to appeal a case they initiated is absurd. Adding six more administrative judges so all cases are heard by them, but first having a District or Circuit judge having 30 days to make a Wells Complaint review and supplying them with 2 SEC lawyers and 2 days testificandum of lead lawyers in the Wells Notice Reply for the advocate's assistance, and 1-day testificandum of the whistleblowers. The administrative (ombudsman) should be an independent firm, not part of the SEC, to handle the administration to be consistent with the Commissioners' secretaries reporting assignment. The ombudsman will be paid $60,000 per Wells Case and $100,000 performance bonus if the Commissioners do not find the Wells defendant guilty and do not initiate a complaint and/or settle the advocates' recommendation to eliminate the prosecution. Assuming 20% of the Wells defendants do not have a complaint initiated against them by use of my strategic litigation advocacy plan, and further assuming 500 Wells disputes a year, and after subtracting as additional costs for six more ADLJs and for additional administrative personnel to handle the volume, I have subtracted $40 million for those costs leaving $120 million total savings for the SEC after all advocate and overhead costs are added and the saving the reputations of 100 Wells defendants. It is not my fault that the inspector General did not initiate a case against the McGrath Enterprise members, the Murray Enterprise members, the WMMA/WDI Enterprise members, and the MacFarlane Enterprise members for their criminal violations of my Constitutional rights under RICO as I submitted my complaints by copying the Commissioners and the President. It is not yet too late to grab the Murray and the McGrath Enterprise members, but have not the Chief Commissioner admitted he has had discussions with the prior Chief Commissioners, he should save the American citizens' rights for our statute of limitation benefits and award me a whistleblower contract wherein I gain between 10-25% of the recoveries. A one-year recovery would be $25 million times 3 equal $75 million. I have asked with me giving full releases for my whistleblower fee which using only one year for the savings for the SEC at 25% comes out to $30 million treble equals $90 million. I ask this Commission and the President of the United States to cause this Commission to pay me $7 million for the early death of my wife and my inability to communicate to her for the last seven years and I will sign a release and try to bring justice to my daughter and grandchildren and others who have been harmed by this reprehensible process.

I include herein as attachments all submissions I have made to this honorable Commission which collectively disprove any allegation against me in the Wells Complaint. If I have inadvertently left anything out and I will respond. This WMMA company was to be a crowning jewel for my career as a deal maker. Judge Murray alleged I used a CPA to prepare the WMMA PPM and that was against SEC rules. It makes no sense as the head of the SEC is a CPA and not a lawyer. I didn't appoint Mr. Nwugugu, a CPA, to write the PPM, but he was appointed by the Board of Directors of WMMA as its Senior VP Corporate Governance.

I respectively request this Commission use my strategic plan, as I recently noticed that you took another plan objective, which was to eliminate administrative law judges from hearing inhouse which also eliminates having the Commissioners' first right of appeal on those cases. Now all

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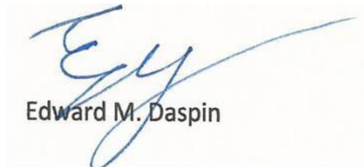
you have to do is add the advocates, the ombudsman, and the compensation for the service for the ombudsman to distribute the funds to the parties providing the services. You will have learned from this 84-year-old felon what a defendant has been through.

Respectfully,



pro se

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