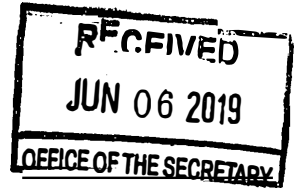


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UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
April 26, 2019

Admin. Proc. File No. 3-18867

In the Matter of
DANIEL JOSEPH TOUIZER

RESPONDENT, DANIEL JOSEPH TOUIZER'S, ANSWER

Respondent, DANIEL JOSEPH TOUIZER (hereinafter referred to as "Touizer" or "Respondent"), by and through undersigned counsel, pursuant to the Rule 220 files his Answer to the Order Instituting Administrative Proceedings Pursuant to Section 15(b) of the Securities and Exchange Act of 1934 (hereinafter referred to as the "Order"), and states as follows:

1. Respondent denies the allegations contained in paragraph 1 of the Order that states that he was engaged in the business of effecting transactions in securities and that he worked as an unregistered broker and hired other unregistered brokers to participate in a number of stock offerings. Respondent admits in part and denies in part the allegations that he controlled a number of private companies including Omni Guard, Infinity Diamonds, Infinity Direct Insurance, Wheat Capital Management, and Wheat Self Storage partners I, II and III. Respondent admits that he was involved in said companies but denies that he was in sole and exclusive control of same. Respondent admits that he was not a registered as a broker-dealer or in any other capacity with the Commission but denies any implication that he was in any way required to be registered with the Commission given the activities in which he was involved. Respondent admits that he is 44 years old and a resident of Florida.

2. Respondent admits the allegations contained in paragraph 2 of the Order. However, to the extent that the Commission seeks to imply by virtue of the allegations contained in paragraph 2 that Respondent committed any violations of Securities and Exchange Act of 1934 same is denied and Respondent demands strict proof thereof.

3. Respondent denies in part and admits in part the allegations of paragraph 3 of the Order. Respondent admits that he pleaded guilty. Respondent denies the rest of the characterizations contained in paragraph 3 and specifically denies any implication that he committed any violations of Securities and Exchange Act of 1934. Respondent demands strict proof of the allegations which were denied in paragraph 3.

DEFENSES

4. Respondent alleges that all acts undertaken were based on the advice of counsel and/or financial professional, including but not limited to accountants, auditors, and other financial professionals, who advised that none of the proposed transactions undertaken by Respondent violated the Securities and Exchange Act of 1934.

5. Respondent alleges that all the transactions he undertook were exempt transactions under 10(b)(5).

6. Respondent alleges that these proceedings are barred by the applicable statute of limitations.

7. Respondent alleges that any acts undertaken by Respondent were permitted puffery or that investors received the agreed upon value, thus precluding any cause of action herein pursuant to *U.S. v. Takhalov*, 838 F.3d 1168 (11th Cir. 2016). Furthermore, there were no misstatements made “in connection with” the purchase, sale or offering of a security as required in order to find liability against Respondent.

8. Respondent alleges that to the extent the Order attempts to plead fraud against the Respondent that same has not been pled with the requisite specificity.

9. Respondent alleges that assuming arguendo that any misrepresentations were made, same were not knowingly false as required for the imposition of liability against Respondent.

10. Respondent alleges that the Order fails to allege a cause of action upon which relief can be granted.

11. Respondent alleges that the underlying criminal matter referenced in the Order is currently on appeal and has not been adjudicated by the relevant appellate court, rendering the Order premature at this time.

Given that discovery has not yet commenced, Respondent expressly reserves his right to amend and/or add additional defenses and affirmative defenses as discovery and investigation continue.

WHEREFORE, Respondent, DANIEL JOSEPH TOUIZER, respectfully request that the Securities and Exchange Commission issue an order granting judgment in his favor along with such other relief as may be just and proper.

Respectfully submitted,

SANCHEZ-MEDINA, GONZALEZ, QUESADA
LAGE, GOMEZ, & MACHADO LLP
Attorneys for Defendant DANIEL J. TOUIZER
201 Alhambra Circle, Suite 1205
Coral Gables, Florida 33134
Telephone: (305) 377-1000
Email: glage@smgqlaw.com;
alopez@smgqlaw.com

By:

GUSTAVO D. LAGE,
Florida Bar No. 972551
AUGUSTO R. LOPEZ,
Florida Bar No. 45410

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that on this 5th day of June, 2019, undersigned counsel, pursuant to the Commissions' Rules of Practice, Rule 150, filed the foregoing document with the Office of Secretary via facsimile (202-772-9324) and Federal Express. In addition, service was made on the Commission via email to APFilings@sec.gov, per its request, as well as to Andrew O. Schiff, Esq., Regional Trial Counsel for the Commission, at schiffa@SEC.GOV, per his request. The foregoing document is also being served via Federal Express on:

Vanessa Countryman, Acting Director
Office of Secretary
100 F Street, N.E.
Washington, DC 20549
T: 202-551-5400

Jill M. Peterson, Assistant Secretary
Office of Secretary
100 F Street, N.E.
Washington, DC 20549
T: 202-551-5400

Andrew O Schiff, Esq.
Regional Trial Counsel
Securities and Exchange Commission
801 Brickell Avenue, Suite 1800
Miami, FL 33131
T: (305) 982-6300