

UNITED STATES OF AMERICA
Before The
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-18867

In The Matter Of
DANIEL JOSEPH TOUIZER,
Respondent.

RESPONDENT DANIEL JOSEPH TOUIZER'S
MOTION FOR LEAVE TO FILE AND SERVE
HIS PLEADINGS IN HAND-WRITTEN FORM,
AND NOTICE OF HIS INABILITY TO COMPLY
WITH SEC RULE OF PRACTICE 152

Respondent DANIEL JOSEPH TOUIZER ("Touizer" or the "Respondent"), appearing on a "pro se" (unrepresented) basis, hereby respectfully submits this instant Motion for leave to file and serve his pleadings in the above-cited Administrative Proceeding against him (the "Proceeding") in hand-written form due to his current incarceration, and lack of access to word-processing and printing facilities and resources pursuant to such incarceration by the U.S. Bureau of Prisons (the "BOP").

In support of this instant Motion, Touizer states as follows:

1. On November 27, 2018, Touizer received from the BOP a Registered Letter / Envelope which contained a copy of the "Order Instituting Administrative Proceedings Pursuant To Section 15(b) Of The Securities Exchange Act Of 1934 And Notice Of Hearing," dated October 12, 2018, (the "SEC Order").

2. Touizer received such SEC Order at the BOP's Federal Detention Center in Miami, Florida (the "FDC"), where he is currently incarcerated pursuant to a criminal proceeding/action against him captioned as United States of America v. Daniel Joseph Touizer; Case No. 17-60286-CR-Bloom, (the "Criminal Case").

3. On November 27, 2018, Touizer timely filed a Notice of Appeal of a final "Amended Judgment in a Criminal Case," entered against him by the U.S. District Court for the Southern District of Florida, on November 16, 2018, in such Criminal Case. As a result, Touizer is appealing his conviction, judgment and any forfeitures in such Criminal Case.

4. Pursuant to such above-described Appeal of any Criminal Case Conviction and Judgment against him (Touizer's "Appeal"), Touizer is also contemporaneously submitting a

Motion for Stay in this Proceeding to the Office of the Secretary for the U.S. Securities and Exchange Commission (the "SEC") pending the outcome of the Appeal of the Criminal Case, and for the reasons stated in such filing.

5. Because Touizer intends to vigorously defend the SEC's Proceeding against him, as described in the SEC Order, and as Touizer continues to be incarcerated while his Appeal is pending, Touizer respectfully requests that the SEC permit him to serve and file his submissions, pleadings and communications in this Proceeding in hand-written form as set out herein.

6. Moreover, the BOP does not provide its inmates with word processing and printing resources required for Touizer to comply with a number of the formatting requirements of Rule of Practice 152. Typewriters are also unavailable to Touizer at the FDC, where he is currently housed.

7. As also set out above, Touizer is representing himself in this Proceeding. Touizer is also appearing on a Pro Se basis in his Appeal. In both instances, Touizer can only prepare and submit his pleadings and related communications in hand-written form. See, for example, Touizer's Notice of Appeal [copy] at Exhibit No. 1 to this submission.

8. Without the requested relief described herein, Touizer will be prejudiced because he will not be able to defend himself

and make the required submissions in this Proceeding, especially as Touizer has a viable and applicable defense to the SEC Order against him. Touizer also has a constitutional right(s) to due process, and such due process right(s) include the ability to make the necessary submissions to the SEC. Further, no party is prejudiced by any Touizer submissions in hand-written form.

9. Pursuant to the foregoing, Touizer also respectfully requests that this instant submission be treated by the SEC as formal "Notice" of Touizer's inability to comply with Rule of Practice 152 for reasons beyond Touizer's control and utmost diligence. Again, Touizer intends to fully comply with all applicable SEC Rules of Practice to the best of his ability as he defends the SEC Order but he does request that the SEC permit him the relief he seeks herein for all of the above-stated issues and statements.


10. Finally, pursuant to the Criminal Case Judgment against him, and, as a result of the legal fees, costs and expenses Touizer incurred in defending himself in said Criminal Case, Touizer cannot currently afford legal counsel to defend himself in this Proceeding. Therefore, in order to timely and sufficiently respond to the SEC Order, Touizer has no other choice but to submit his own responses and pleadings himself, and in this hand-written format.

CONCLUSION

WHEREFORE, for the foregoing reasons, issues and circumstances, Touizer respectfully requests that the SEC take notice of Touizer's inability to comply with Rule of Practice 152, and also respectfully requests that the SEC grant Touizer leave to file and serve his submissions, pleadings and communications in this instant Proceeding in this instant hand-written format.

Respectfully Submitted,

December 13, 2018


DANIEL JOSEPH TOUIZER

Respondent, appearing e

Registration No. [REDACTED]

[REDACTED] - Miami, P.O. [REDACTED]

Miami, Florida [REDACTED]

Administrative Proceeding File No. 3-18867
U.S. Securities and Exchange Commission
in the Matter of Daniel Joseph Touizer, Respondent
Respondent Daniel Joseph Touizer's Motion for Leave to File and Serve
his Pleadings in Hand-Written Form, and Notice of his Inability
to Comply with SEC Rule of Practice 152"

EXHIBIT

No. 1

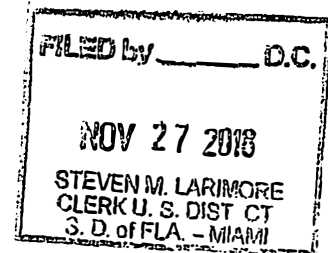
UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF FLORIDA

Case Number: 17-60286-CR-Bloom.

UNITED STATES OF AMERICA,
Plaintiff,

v.

DANIEL JOSEPH TOWIZER,
Defendant.



NOTICE OF APPEAL

Notice is hereby given that Defendant DANIEL JOSEPH TOWIZER ("Towizer" or the "Defendant"), appearing on a pro se basis, hereby respectfully appeals to the United States Court of Appeals for the Eleventh Circuit from the "Amended Judgment In A Criminal Case," entered against him on November 16, 2018, by the United States District Court for the Southern District of Florida in his instant action, and which is captioned "United States of America v. Daniel Joseph Towizer."

Respectfully Submitted,

November 26, 2018

~~J. J. [Redacted]~~

DANIEL JOSEPH TOUIZER

Defendant - Appellant, appearing pro se

Registration No.: [Redacted]

[Redacted]

P.O. Box [Redacted]

Miami, Florida [Redacted]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am a pro se inmate confined to a Bureau of Prisons institution, and that today, November 26, 2018, I caused the foregoing Notice of Appeal to be delivered to the Clerk of the Court of the United States District Court for the Southern District of Florida, at the Wilkie D. Ferguson United States Courthouse, at 400 North Miami Avenue, Room 03204, Miami, Florida 33128-7716 in order for said Notice of Appeal to be filed and docketed on the Court's CM/ECF System, which will then send a Notice of Electronic Filing to all persons and parties in this instant action.

~~J. J. [Redacted]~~

DANIEL JOSEPH TOUIZER

Reg. No. [Redacted]

[Redacted]

Case No.: 17-60286-CR-Bloom

United States of America v. Daniel Joseph Touizer

Notice of Appeal to November 16, 2018 Amended Judgment

EXHIBIT

A

UNITED STATES DISTRICT COURT

Southern District of Florida
Fort Lauderdale Division

UNITED STATES OF AMERICA
v.
DANIEL JOSEPH TOUIZER

AMENDED JUDGMENT IN A CRIMINAL
CASE

Reason for amendment: restitution amount.
(See pages 5 & 6)

Case Number: 17-60286-CR-BLOOM-001

USM Number: 16560-104

Counsel For Defendant: RONALD GAINOR

Counsel For The United States: ROGER CRUZ

Court Reporter: Yvette Hernandez

The defendant pleaded guilty to count(s) 1 of the indictment.

The defendant is adjudicated guilty of these offenses:

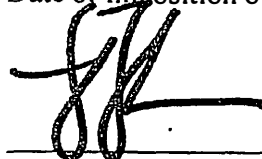
<u>TITLE & SECTION</u>	<u>NATURE OF OFFENSE</u>	<u>OFFENSE ENDED</u>	<u>COUNT</u>
18 USC § 1349	Conspiracy to commit mail & wire fraud	11/2017	1

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

All remaining counts are dismissed on the motion of the government.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Date of Imposition of Amended Sentence: 11/15/2018



Beth Bloom
United States District Judge

Date: 11/15/2018

DEFENDANT: DANIEL JOSEPH TOUIZER

CASE NUMBER: 17-60286-CR-BLOOM-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **sixty-eight (68) months as to count one of the indictment.**

The court makes the following recommendations to the Bureau of Prisons: That the Defendant participate in the RDAP Program administered by the Bureau of Prisons and be designated to a facility in South Florida, preferably Miami due to his young baby living there.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

DEPUTY UNITED STATES MARSHAL

DEFENDANT: DANIEL JOSEPH TOUIZER

CASE NUMBER: 17-60286-CR-BLOOM-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **three (3) years**.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1. The defendant shall not leave the judicial district without the permission of the court or probation officer;
2. The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first fifteen days of each month;
3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. The defendant shall support his or her dependents and meet other family responsibilities;
5. The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. The defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
7. The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
10. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
11. The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
12. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
13. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: DANIEL JOSEPH TOUIZER
CASE NUMBER: 17-60286-CR-BLOOM-001

SPECIAL CONDITIONS OF SUPERVISION

Association Restriction - The defendant is prohibited from associating with Saul Daniel Suster and John Kevin Reech while on supervised release.

Data Encryption Restriction - The defendant shall not possess or use any data encryption technique or program.

Employment Solicitation Restriction - The defendant shall not be engaged in any business that offers securities, investments, or business opportunities to the public. The defendant is further prohibited from engaging in telemarketing, direct mail, or national advertising campaigns for business purposes without the permission of the Court.

Financial Disclosure Requirement - The defendant shall provide complete access to financial information, including disclosure of all business and personal finances, to the U.S. Probation Officer.

No New Debt Restriction - The defendant shall not apply for, solicit or incur any further debt, included but not limited to loans, lines of credit or credit card charges, either as a principal or cosigner, as an individual or through any corporate entity, without first obtaining permission from the United States Probation Officer.

Permissible Computer Examination - The defendant shall submit to the U.S. Probation Officer conducting periodic unannounced examinations of the defendant's computer(s) equipment which may include retrieval and copying of all data from the computer(s) and any internal or external peripherals to ensure compliance with this condition and/or removal of such equipment for the purpose of conducting a more thorough inspection; and to have installed on the defendant's computer(s), at the defendant's expense, any hardware or software systems to monitor the defendant's computer use.

Permissible Search - The defendant shall submit to a search of his/her person or property conducted in a reasonable manner and at a reasonable time by the U.S. Probation Officer.

Related Concern Restriction - The defendant shall not own, operate, act as a consultant, be employed in, or participate in any manner, in any related concern during the period of supervision.

Self-Employment Restriction - The defendant shall obtain prior written approval from the Court before entering into any self-employment.

Unpaid Restitution, Fines, or Special Assessments - If the defendant has any unpaid amount of restitution, fines, or special assessments, the defendant shall notify the probation officer of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay.

Substance Abuse Treatment - The defendant shall participate in an approved treatment program for drug and/or alcohol abuse and abide by all supplemental conditions of treatment. Participation may include inpatient/outpatient treatment. The defendant will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third party payment.

DEFENDANT: DANIEL JOSEPH TOUIZER

CASE NUMBER: 17-60286-CR-BLOOM-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$100.00	\$0.00	\$1,810,000 as to Daniel Touzier
			\$6,857,713.93 Joint & several

The defendant must make restitution to the attached list of payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>NAME OF PAYEE</u>	<u>TOTAL LOSS*</u>	<u>RESTITUTION ORDERED</u>	<u>PRIORITY OR PERCENTAGE</u>
C/O USPO			

Restitution with Imprisonment - It is further ordered that the defendant shall pay restitution in the amount of \$1,810,000 During the period of incarceration, payment shall be made as follows: (1) if the defendant earns wages in a Federal Prison Industries (UNICOR) job, then the defendant must pay 50% of wages earned toward the financial obligations imposed by this Judgment in a Criminal Case; (2) if the defendant does not work in a UNICOR job, then the defendant must pay a minimum of \$25.00 per quarter toward the financial obligations imposed in this order. Upon release of incarceration, the defendant shall pay restitution at the rate of 10% of monthly gross earnings, until such time as the court may alter that payment schedule in the interests of justice. The U.S. Bureau of Prisons, U.S. Probation Office and U.S. Attorney's Office shall monitor the payment of restitution and report to the court any material change in the defendant's ability to pay. These payments do not preclude the government from using other assets or income of the defendant to satisfy the restitution obligations.

Restitution amount ordered pursuant to plea agreement is reserved

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

**Assessment due immediately unless otherwise ordered by the Court.

DEFENDANT: DANIEL JOSEPH TOUIZER

CASE NUMBER: 17-60286-CR-BLOOM-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

A. Lump sum payment of \$100 due immediately.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

This assessment/fine/restitution is payable to the CLERK, UNITED STATES COURTS and is to be addressed to:

**U.S. CLERK'S OFFICE
ATTN: FINANCIAL SECTION
400 NORTH MIAMI AVENUE, ROOM 08N09
MIAMI, FLORIDA 33128-7716**

The assessment/fine/restitution is payable immediately. The U.S. Bureau of Prisons, U.S. Probation Office and the U.S. Attorney's Office are responsible for the enforcement of this order.

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

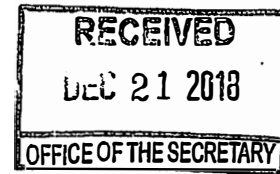
<u>CASE NUMBER</u> <u>DEFENDANT AND CO-DEFENDANT NAMES</u> <u>(INCLUDING DEFENDANT NUMBER)</u>	<u>TOTAL AMOUNT</u>	<u>JOINT AND SEVERAL AMOUNT</u>
17-60286-CR-BLOOM-01-Daniel Touizer 17-60286-CR-BLOOM-02-Saul Suster 17-60286-CR-BLOOM-03-John Kevin Reech	\$1,810,00.00 (owed by Defendant Touizer, solely)	\$6,857,713.93 (joint several amount as to all defendants)

The Government shall file a final order of forfeiture.

Restitution is owed jointly and severally by the defendant and co-defendants in the above case.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

December 13, 2018.



Office of the Secretary
U.S. Securities and Exchange Commission
100 F. Street NE, Mail Stop 1090
Washington, DC 20549
By U.S. Mail

Dear Sir / Madam:

Re: Administrative Proceeding File No. 3-18867
In the Matter of Daniel Joseph Touizer
Initial Submissions by Respondent

Please find enclosed my respective:

- 1.) "Motion for Leave to File and Serve Pleadings in Hand-Written Form, and Notice of Inability to Comply with SEC Rule of Practice 152"; and
- 2.) "Motion for Stay of Administrative Proceeding pending Outcome of Appeal of Criminal Conviction and Final Amended Judgment in Criminal Case 17-60286-CR-Bloom."

Although both such "Motions" are being submitted together, I respectfully request that the SEC please review and consider the "Motion for Leave to File and Serve Pleadings in Hand-Written Form" first, due to my inability to comply with SEC Rule of Practice 152.

As a result, my Motion for Stay should also then be considered, especially due to its merits and cited justification.

Further to the above, I also respectfully request that pursuant to SEC Rule of Practice 230, I be sent to the Federal Detention Center, Miami, Florida (the "FDC") all documents that have been gathered by the SEC leading up to the above-cited Administrative Proceeding. I have not received any such documents to date.

Thank you very much for your office's review and consideration of the above and enclosures.

Respectfully Submitted,

cc: Andrew O. Schiff
Reg. Trial Counsel

~~_____~~

Daniel Joseph Towizer

Reg. No. [REDACTED]

Respondent, appearing pro se

FDC-Miami; P.O. [REDACTED]

Miami, FL [REDACTED]