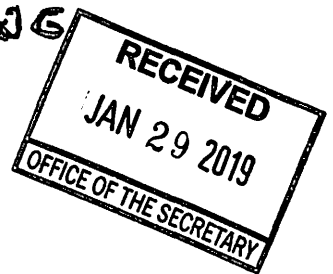


UNITED STATES OF AMERICA
Before The
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING

File No. 3-18867



In The Matter of
DANIEL JOSEPH TOUIZER,
Respondent.

RESPONDENT DANIEL JOSEPH TOUIZER'S
REPLY TO THE DIVISION OF ENFORCEMENT'S
RESPONSE TO RESPONDENT'S MOTION FOR
STAY OF ADMINISTRATIVE PROCEEDING

Respondent DANIEL JOSEPH TOUIZER ("Touizer" or the "Respondent"), appearing on a pro se [unrepresented] basis, hereby respectfully submits his Reply to the Division of Enforcement's Response in Opposition to Touizer's Motion for Stay of Administrative Proceeding (the "Proceeding") [captioned under File No. 3-18867], and in support of said Reply, Touizer states as follows:

1. It is abundantly clear from the Division of Enforcement's (the "Division's") Response that it is simply speculating as to the nature and bases for Touizer's timely and duly filed Notice of Appeal (the "Appeal") in relation to his Criminal Case.

2. Pursuant to the Federal Rules of Appellate Procedures and the Local Rules of the Eleventh Circuit Court of Appeals (the "Appeal Court"), Touizer's Opening Brief for his Appeal is not due yet. As a result, the Division has no foundation nor support for its bald assertion that Touizer cannot successfully appeal, and, therefore, overturn the conviction itself. While demonstrating that the District Court committed plain error is one basis for overturning a guilty plea, it is not the only one.

3. The Appeal Court, in fact, has vacated convictions due to guilty pleas on different bases. Without getting into details because Touizer has not completed the required research and preparation of his Appeal, the Appeal Court has vacated convictions due to the doctrines of "manifest injustice," or "miscarriage of justice." In addition, if a guilty plea is induced through threats, improper promises and/or misrepresentations, an appellant may then challenge the guilty plea under the Due Process Clause. See Santobello v. New York, 404 U.S. 257, 92 S.Ct. 495, 30 L. Ed. 2d 427 (1971). Hence, Touizer does have a number of bases to overturn/vacate his conviction, despite the Division's opinion that he does not.

4. Secondly, Touizer's timely filed Notice of Appeal does not have to set out the bases for any such appeal - only that the Appellant has ^{noticed} ~~put~~ the District Court, the Appellate Court and the parties in his Criminal Case that he is appealing the entire final Amended Judgment in a Criminal Case, entered against him by the District Court on November 16, 2018. That is all the applicable federal rules require him to do - and, Touizer has timely and duly done that.

5. Third, Touizer's Motion for Stay to the Securities and Exchange Commission (the "SEC"), sets out Touizer's arguments as to why the requested stay is warranted. The Division's subsequent Response does not address any one of those arguments and explanations. Rather, the Division simply argues he cannot possibly win his Appeal, and that Touizer will suffer no prejudice if he was ^{not} granted such stay. However, Touizer's Motion for Stay is about due process and Touizer's right(s) and opportunity to adequately and reasonably litigate his Appeal, especially as he is proceeding on a pro se basis - while incarcerated. Without the requested stay, due to Touizer's described position, he cannot possibly and fairly litigate his Appeal while concurrently arguing and briefing this Proceeding. Due process requires more, especially as the Division has admitted in its Response that this Proceeding is a "follow-on" to the
 n. i. i. Case Conviction. m

6. Moreover, prior to this "follow-on" Proceeding, Touizer was already exonerated by the SEC through a "declination letter" in June of 2017. Thus, as already on the record and as highlighted by the Division itself in its Response, this instant proceedings is solely attributable to Touizer's "guilty plea" in the Criminal Case. It follows, then, that once such plea and its resulting conviction of Touizer is vacated this instant proceeding becomes moot.

7. Because of the above, and as described and explained in Touizer's Motion for Stay, Touizer's requested stay is warranted and justified. Touizer is not seeking such stay for delay and/or other dilatory purposes but only to have the opportunity to vacate his conviction as he is permitted to do as a matter of right pursuant to established rules and by law. It would be prejudicial to Touizer to litigate two (2) related matters, at the same time, when Touizer is unrepresented and while he continues to be incarcerated with limited resources.

8. Finally, Touizer expects to utilize elements of his Appeal Brief to the Appeal Court, in the required briefings in this Proceeding, to prove his innocence and defend this Proceeding. Touizer cannot possibly do that without the required stay because the Appeal Brief is not due yet for at least 45-60 days, in order to provide time to complete the necessary transcripts.

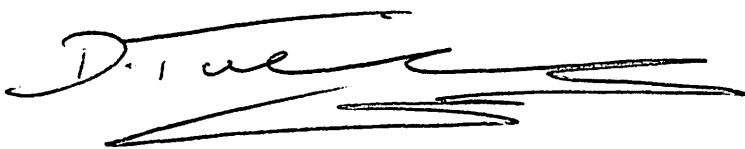
9. The requested stay does not prejudice the Division, especially as Touizer continues to be in Miami, Florida - incarcerated, and not going anywhere while completing his Appeal. However, without the stay requested by Touizer, he is prejudiced for the reasons described in his Motion for Stay and further illustrated above. Again, due process warrants the requested stay.

CONCLUSION

WHEREFORE, for the reasons described above and as requested by Touizer's Motion for Stay, Touizer respectfully requests that the SEC grant him the requested relief.

Respectfully Submitted,

January 16, 2019



DANIEL JOSEPH TOUIZER

Respondent, appearing pro se

Registration No. [REDACTED]

[REDACTED] - Miami; P.O. Box [REDACTED]

Miami, Florida [REDACTED]

CERTIFICATE OF SERVICE

I hereby certify that I am a pro se inmates confined to a Bureau of Prisons institution, and that today, January 16, 2019, I deposited the original and three copies of the foregoing to the Federal Detention Center's (the "FDC's") legal mail system for inmates in order to be mailed, at my cost, to the Securities and Exchange Commission, Office of the Secretary, 100 F Street, N. E., Washington, D.C. 20549-9303; and that as true and correct copy of the foregoing was also mailed, at my cost, to Andrew O. Schiff, Regional Trials Counsel, Division of Enforcement, SEC at 801 Brickells Avenue, Suite 1800, Miami, FL 33131.



~~DAVID~~ JOSEPH TOUIZER

Respondent, appearing pro se

Registration No.: [REDACTED]

[REDACTED] - Miami, Florida

P.O. Box [REDACTED]

Miami, FL [REDACTED]