

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-20550

<p>In the Matter of</p> <p>Calmare Therapeutics Incorporated.,</p> <p>Respondent.</p>
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DIVISION OF ENFORCEMENT'S
MOTION FOR SUMMARY DISPOSITION
AND BRIEF IN SUPPORT

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MOTION FOR SUMMARY DISPOSITION

The Division of Enforcement (“Division”), by counsel, pursuant to the Securities and Exchange Commission (“Commission”) Rules of Practice 154 and 250, moves for an order of summary disposition revoking the registration of each class of securities of Calmare Therapeutics Incorporated, (“CTTC” or “Respondent”) registered pursuant to Securities Exchange Act of 1934 (“Exchange Act”) Section 12. There is no genuine issue concerning any material fact and, pursuant to Exchange Act Section 12(j), the Division, as a matter of law, is entitled to an order revoking the registration of each class of securities of CTTC registered pursuant to Exchange Act Section 12.

As set forth in detail below, an analysis of the five factors set forth in *Gateway International Holdings, Inc.*, Exchange Act Release No. 53907, 2006 SEC LEXIS 1288 at *19-20 (May 31, 2006) establishes that revocation is necessary and appropriate for the protection of investors in this case. First, CTTC’s violations are serious and egregious because CTTC has failed to file ***eighteen*** consecutive periodic reports. Second, CTTC’s failure to file reports from 2017 to the present means their violation is recurrent, continuous, and ongoing. Third, CTTC’s knowledge of its reporting requirements and protracted period of noncompliance demonstrates a high degree of culpability. Fourth, CTTC has made no effort to remedy its past violations. Fifth, CTTC cannot provide any credible assurance that it will comply with the Commission’s rules in the future.

The Commission has repeatedly held that delinquencies like CTTC’s constitute a serious and egregious violation of Exchange Act Section 13(a)’s reporting requirements. CTTC was aware of its obligations, failed to file timely reports, and has kept both current and prospective

investors in the dark about its financial condition since 2016. Accordingly, revocation of CTTC's registration is necessary and appropriate for the protection of investors.

BRIEF IN SUPPORT

I. Statement of Undisputed Facts

A. Issuer Background

CTTC (CIK No. 102198) is a Delaware corporation located in Fairfield, Connecticut, which registered a class of securities with the Commission pursuant to Exchange Act Section 12(g) on Form 8-A12G on December 9, 2014.¹ As of September 9, 2021, CTTC's common stock was quoted on OTC Link, had six market makers, and was eligible for the "piggyback" exception of Exchange Act Rule 15c2-11(f)(3).²

B. CTTC's Filings History with the Commission

Section 13(a) of the Exchange Act and Rule 13a-1, thereunder, require that all issuers file an annual report for each fiscal year, and Exchange Act Rule 13a-13 requires that domestic issuers file quarterly reports. 15 U.S.C. §78m(a) and 17 C.F.R. §240.13a-1; 17 C.F.R. §240.13a-13. Since CTTC is incorporated in Delaware, it is a domestic issuer and must file quarterly reports.³

¹ See Exhibit ("Exh.") 1 (Delaware Secretary of State Corporate Report) and Exh. 2 (cover page of Form 8A-12G filed with the Commission on December 9, 2014) to the accompanying Declaration of Gina Joyce in Support of the Division of Enforcement's Motion for Summary Disposition ("Joyce Dec."). As set forth in CTTC's August 20, 2014 Form 8-K, CTTC changed its name from Competitive Technologies, Inc. that day. Competitive Technologies, Inc. registered with the Commission on April 2, 1984 on Form 8-A, and had been listed on the American Stock Exchange and the NYSE until it was stricken from both Exchanges on October 1, 2010 by the filing of a Form 25-NSE.

² See Exh. 3 to Joyce Dec. (Printout of OTC Dealer report dated September 9, 2021 concerning CTTC).

³ See Exh. 2 to Joyce Dec. (cover page of Form 8A-12G filed with the Commission on December 9, 2014).

CTTC is delinquent in its periodic filings with the Commission, having filed no periodic reports since it filed a 10-K for the period ended December 31, 2016 on July 21, 2017, more than four years ago.⁴ CTTC has stipulated that:

Calmare did not file any Form 10-K or Form 10-Q reports with the Securities and Exchange Commission after its Form 10-K, filed in 2017, for the period ending December 31, 2016 and before the issuance of the Order Instituting Proceedings in this matter on September 14, 2021, although Calmare did file a number of Form 8-K reports during and subsequent to 2017. Calmare was therefore delinquent in its obligation, under the Securities and Exchange Act Section 13(a) and Rules 13a-1 and 13a-13 thereunder, to file its Form 10-K or Form 10-Q reports with the Securities and Exchange Commission as of September 14, 2021.⁵

A review of the SEC's Electronic Data Gathering, Analysis, and Retrieval system ("EDGAR") shows that CTTC's last filing with the Commission, of any kind, was an 8-K filed on June 9, 2020, more than a year ago.⁶

C. The Instant Proceeding

On November 29, 2018, the Division of Corporation Finance ("Corporation Finance") sent a delinquency letter to the address shown in CTTC's most recent periodic filing, by certified mail, return receipt requested.⁷ The delinquency letter stated that CTTC appeared to be delinquent in its periodic filings and warned that it could be subject to institution of an Exchange Act Section 12(j) proceeding without prior notice if it did not file its required reports within fifteen days of the date of the letter.⁸ The signed certified mail receipt for the delinquency letter was returned to Corporation Finance on December 3, 2018.⁹ The certified receipt appears to

⁴ See Exh. 4 to Joyce Dec. (Printout of CTTC's EDGAR History).

⁵ See Exh. 5 to Joyce Dec. (Stipulation at ¶1).

⁶ See Exh. 4 to Joyce Dec. (Printout of CTTC's EDGAR History).

⁷ See Exh. 6 to Joyce Dec. (November 29, 2018 delinquency letter to CTTC from Corporation Finance).

⁸ *Id.*

⁹ See Exh. 7 to Joyce Dec. (Scan of certified receipt card from CTTC to Corporation Finance).

have been signed for by “M. Caltado.”¹⁰ Despite receiving the delinquency letter in 2018, CTTC did not file its delinquent reports, and failed to make additional required filings.

On September 14, 2021, the Commission instituted this proceeding, entitled *Calmare Therapeutics Incorporated*, Exchange Act Release No. 92977, 2021 WL 4202234, at *1 (Sept. 14, 2021). Simultaneously with the institution of this proceeding, the Commission issued an order suspending trading in the securities of CTTC for ten business days. *Calmare Therapeutics Incorporated*, 2021 WL 4202375 at *1 (Sept. 14, 2021). At that time, CTTC had failed to file eighteen periodic reports and had not made a compliant periodic filing, timely or otherwise, since it filed its Exchange Act Form 10-K for the period ended December 31, 2016 on July 21, 2017, nearly four months after the annual report was due.¹¹

On September 24, 2021, CTTC filed an Answer to the OIP. In its Answer, CTTC blamed Covid-19 for its failure to file eighteen periodic reports, and stated that CTTC did not receive a delinquency letter.¹² However, as set forth above, CTTC did receive a delinquency letter in 2018. Additionally, the Covid-19 pandemic did not cause any business interruptions in the United States during 2017, 2018, or 2019. There is no valid reason why CTTC did not file any periodic reports during those three years. With respect to 2020, on March 4, 2020, the Commission issued a press release, entitled SEC Provides Conditional Regulatory Relief and Assistance for Companies Affected by the Coronavirus Disease 2019 (COVID-19), stating:

To address potential compliance issues, the Commission has issued an order that, subject to certain conditions, provides publicly traded

¹⁰ *Id.*

¹¹ See Exh. 8 to Joyce Dec. (Form 10-K cover page), Exh. 9 (first page of CTTC’s 10-K for the period ended December 31, 2016), and Exh. 4 (Printout of CTTC’s EDGAR History). Instruction A(2)(c) of Form 10-K states that annual reports shall be filed “90 days after the end of the fiscal year covered by the report.” Exh. 9 shows that CTTC’s fiscal year ended on December 31. Therefore, CTTC’s annual report should have been filed by March 31, 2017, but it was not filed until July 21, 2017.

¹² Answer at ¶¶1 - 2.

companies with an additional 45 days to file certain disclosure reports that would otherwise have been due between March 1 and April 30, 2020. Among other conditions, companies must convey through a current report a summary of why the relief is needed in their particular circumstances. The Commission may extend the time period for the relief, with any additional conditions it deems appropriate, or provide additional relief as circumstances warrant. Companies and their representatives are encouraged to contact SEC staff with questions on matters of particular concern.

A review of CTTC's EDGAR history shows that CTTC did not file a report explaining why relief was needed in its particular circumstances.¹³ The only report filed during the entire year of 2020 was an 8-K filed on June 9, 2020, which announced that CTTC had been awarded a contract by the U.S. Department of Veterans Affairs that "authorizes" \$2.5 million of orders for CTTC's pain therapy devices.¹⁴ CTTC filed nothing else with the Commission during 2020 or 2021.¹⁵ CTTC investors have been in the dark about CTTC's financial condition for more than four years.

II. Argument in Support of Summary Disposition

A. Standards Applicable to the Division's Summary Disposition Motion.

This proceeding was instituted under Exchange Act Section 12(j), which empowers the Commission:

as it deems necessary or appropriate for the protection of investors ... to suspend for a period not exceeding twelve months, or to revoke the registration of a security, if the Commission finds, on the record after notice and opportunity for hearing, that the issuer, of such security has failed to comply with any provision of this chapter or the rules and regulations thereunder.

¹³ See Exh. 4 to Joyce Dec. (Printout of CTTC's EDGAR History).

¹⁴ See Exh. 4 to Joyce Dec. (Printout of CTTC's EDGAR History) and Exh. 9 to Joyce Dec. (CTTC's June 9, 2020 Form 8-K). Note that the announcement did not state that any orders had actually been placed by the VA, but rather that orders had been authorized.

¹⁵ *Id.*

15 U.S.C. §781(j). Rule 250 of the Commission’s Rules of Practice¹⁶ provides for summary disposition in the absence of a genuine issue of material fact. “Under Rule 250, a motion for summary disposition may be granted where there is ‘no genuine issue with regard to any material fact and the party making the motion is entitled to a summary disposition as a matter of law.’” *Kornman v. SEC*, 592 F.3d 173, 181 (D.C. Cir. 2010) (citing 17 C.F.R. § 201.250(b)).

“The Division may file a motion for summary disposition under Rule 250(b), and ‘we have repeatedly observed that summary disposition is typically appropriate’ in ‘proceedings pursuant to Exchange Act Section 12(j)’ ‘because the issues to be decided are narrowly focused and the facts not genuinely in dispute.’” *Healthway Shopping Network, et al.*, Exchange Release No. 89374, 2020 WL 4207666 at *4 (July 22, 2020) (quoting the Amendments to the Commission’s Rules of Practice, Release No. 34-78319, 81 Fed. Reg. at 50,224 (July 13, 2016)).

The party opposing summary disposition “may not rely on bare allegations or denials but instead must present specific facts showing a genuine issue of material fact for a hearing.” *China-Biotics, Inc.*, Exchange Act Release No. 70800, 2013 WL 5883342 at *16 (Nov. 4, 2013).

Here, given the nature of the allegations, and CTTC’s stipulation that it is delinquent in its periodic filings, summary disposition is appropriate. Despite that, CTTC has sought a far longer litigation schedule, more appropriate to the resolution of a complex civil litigation than a summary Section 12(j) proceeding. CTTC’s proposal that summary disposition briefing in this matter be delayed until after January 2022 so that they can obtain expert testimony on the impact

¹⁶ Rule 250(b) of the Commission’s Rules of Practice provides that, *inter alia*, any party may make a motion for summary disposition on one or more claims or defenses, asserting that the undisputed pleaded facts, declarations, affidavits, documentary evidence or facts officially noted pursuant to §201.323 show that there is no genuine issue with regard to any material fact and that the movant is entitled to summary disposition as a matter of law.

that revocation would have on present investors is not proportional to the needs of this case. This is especially true because the Commission has held that:

in any deregistration current shareholders could be harmed by a diminution in the liquidity and value of their stock by virtue of the deregistration, but . . . any harm that may result to existing shareholders cannot be the determining factor in our analysis. In evaluating what is necessary or appropriate to protect investors, regard must be had not only for existing stockholders of the issuer, but also for potential investors. Indeed, we have emphasized the significant interests of prospective investors who can be substantially hindered in their ability to evaluate an issuer in the absence of current filings. In any event, both existing and prospective shareholders are harmed by the continuing lack of current and reliable financial information for the company.

A-Power Energy Generation Systems, Exchange Act Release No. 69439, 2013 WL 1755036 at *3 (April 24, 2013). This matter is ripe for resolution at this time.

B. The Division is Entitled to Summary Disposition Against CTTC for its Failures to Comply with Exchange Act Section 13(a) and Rules 13a-1 and 13a-13 Thereunder.

There is no dispute of material fact regarding whether CTTC has failed to comply with Exchange Act Section 13(a) and Rules 13a-1 and 13a-13 thereunder.¹⁷ Given the seriousness of these violations, revocation is appropriate. “Section 13(a) of the Exchange Act and the rules promulgated thereunder require issuers of securities registered pursuant to Section 12 of the Exchange Act to file periodic and other reports with the Commission. Exchange Act Rule 13a-1 requires issuers to submit annual reports.... No showing of scienter is necessary to establish a violation of Section 13(a) or the rules thereunder.” *Telestone Technologies Corp.*, Initial Decision Release No. 1078, 2016 SEC LEXIS 4185 at *4 (Nov. 9, 2016). *Accord Gateway*, 2006 SEC LEXIS 1288 at *18, 22 n.28; *Stansbury Holdings Corp.*, Initial Decision Release No.

¹⁷ Answer at ¶¶1 – 2; Exh. 4 to Joyce Dec. (Printout of CTTC’s EDGAR History).

232, 2003 SEC LEXIS 1639 at *15 (July 14, 2003); *WSF Corp.*, Initial Decision Release No. 204, 2002 SEC LEXIS 1242 at *14 (May 8, 2002).

Exchange Act Section 13(a) is a cornerstone of the Exchange Act, establishing a system of periodically reporting invaluable information about issuers of securities. “[R]eporting requirements are the primary tools which Congress has fashioned for the protection of investors from negligent, careless, and deliberate misrepresentations in the sale of stock and securities.” *America’s Sports Voice, Inc.*, Exchange Act Release No. 55511, 2007 WL 858747, at *4 n.17 (Mar. 22, 2007) (internal quotation marks omitted) (citing *SEC v. Beisinger Indus. Corp.*, 552 F.2d 15, 18 (1st Cir. 1977)). The Commission has stated:

Failure to file periodic reports violates a central provision of the Exchange Act. The purpose of the periodic filing requirements is to supply investors with current and accurate financial information about an issuer so that they may make sound decisions. Those requirements are “the primary tool[s] which Congress has fashioned for the protection of investors from negligent, careless, and deliberate misrepresentations in the sale of stock and securities.” Proceedings initiated under Exchange Act Section 12(j) are an important remedy to address the problem of publicly traded companies that are delinquent in the filing of their Exchange Act reports, and thereby deprive investors of accurate, complete, and timely information upon which to make informed investment decisions.

Gateway, 2006 SEC LEXIS 1288 at *26 (quoting *Beisinger*, 552 F.2d at 18).

Summary disposition is appropriate when, as here, the undisputed facts prove that CTTC has failed to comply with Section 13(a). *See AIC Int’l, Inc.*, Initial Dec. Release No. 324, 2006 SEC LEXIS 2996 (Dec. 27, 2006) (summary disposition granted in Section 12(j) action); *Bilogic, Inc.*, 2006 SEC LEXIS 2596 at *12 (Nov. 9, 2006) (same); *Investco, Inc.*, Initial Decision Release No. 312, 2003 SEC LEXIS 2792 at *7 (November 24, 2003); *Nano World Projects Corp.*, Initial Decision Release No. 228, 2003 SEC LEXIS 1968 at *3 (May 20, 2003)

(summary disposition in Exchange Act Section 12(j) action granted where certifications on filings and respondent's admission established failure to file annual or quarterly reports).

It is undisputed that CTTC failed to file eighteen periodic reports for the period March 31, 2017 through September 14, 2021.¹⁸ Accordingly, the Division is entitled to summary disposition on its claim that CTTC violated Exchange Act Section 13(a) and Rules 13a-1 and 13a-13, thereunder.

As set forth above, in CTTC's Answer, CTTC argues that it did not receive the delinquency letter. As shown by Exhibit 6, CTTC did in fact receive a delinquency letter in 2018. Regardless, this fact is not material to the relief sought and the Commission need not determine whether CTTC received this letter. As explained in *Accredited Business Consolidators Corp.*, 110 S.E.C. Docket 2219, 2014 WL 6737052 (Dec. 1, 2014), a delinquent issuer is not required to receive a delinquency letter:

Section 12(j) of the Exchange Act gives the Commission the authority to suspend or revoke the registration of a security "by order" if the issuer has failed to comply with the Act's periodic filing requirements. 15 U.S.C. § 781(j). ***There is no requirement in this provision that the Commission give an issuer notice prior to the issuance of an OIP.*** *Id.* And, Accredited does not argue that *it* was unaware of the delinquent filings; rather, it claims that it was unaware that the *Commission* knew and cared about them.... This line of argument hurts rather than helps Accredited's case, as it provides further evidence of Accredited's culpability in knowingly ignoring its filing obligations until the Commission took an interest in its delinquency.

2014 WL 6737052, at *5 (emphasis added); *see also Absolute Potential, Inc. (f/k/a Absolute Waste Services, Inc.)*, Exchange Act Release No. 71866, 2014 SEC LEXIS 1193, at *n. 10 (April 4, 2014). CTTC was well aware that it was obligated to file periodic reports. CTTC knowingly ignored its filing obligations.

¹⁸ Answer at ¶¶1 – 2; Exh. 4 to Joyce Dec. (Printout of CTTC's EDGAR History).

C. Revocation is the Appropriate Sanction for CTTC's Serial Violations.

Exchange Act Section 12(j) provides that the Commission may revoke or suspend the Exchange Act Section 12 registration of an issuer's securities where it is "necessary or appropriate for the protection of investors." The Commission's determination of which sanction is appropriate "turns on the effect on the investing public, including both current and prospective investors, of the issuer's violations, on the one hand, and the Section 12(j) sanctions on the other hand." *Gateway*, 2006 SEC LEXIS 1288 at *19-20. In making this determination, the Commission will consider, among other things: (1) the seriousness of the issuer's violations; (2) the isolated or recurrent nature of the violations; (3) the degree of culpability involved; (4) the extent of the issuer's efforts to remedy its past violations and ensure future compliance; and (5) the credibility of the issuer's assurances, if any, against future violations. *Id.*; *see also Steadman v. SEC*, 603 F.2d 1126, 1140 (5th Cir. 1979) (setting forth the public interest factors that informed the Commission's *Gateway* decision).

"Revocation is a prospective remedy and is imposed based on [the Commission's] concern about *protecting future investors* in the company." *Citizens Capital Corp.*, Exchange Act Release No. 67313, 2012 WL 2499350 at *8 (June 29, 2012) (emphasis added). Here, all five of the *Gateway* factors establish as a matter of law that revocation of CTTC's registration is necessary and appropriate to protect investors and "furthers the public interest by reinforcing the importance of full and timely compliance with the Exchange Act's reporting requirements." *Nature's Sunshine Prods.*, Exchange Act Release No. 59268, 2009 WL 137145 at *8 (Jan. 21, 2009).

1. CTTC's violations of Section 13(a) are serious and egregious.

CTTC's violations of Exchange Act Section 13(a) and Rules 13a-1 and 13a-13, thereunder, are serious and egregious because CTTC has failed to file eighteen consecutive periodic reports, including four Form 10-Ks and fourteen Form 10-Qs.¹⁹

During the entirety of CTTC's violations – spanning more than four years – investors have lacked current and accurate financial information about the company, which is necessary to make sound decisions. *See America's Sports Voice, Inc.*, 2007 WL 858747 at *2 (finding that an issuer's failure to file periodic reports violates “a central provision of the Exchange Act...depriv[ing] both existing and prospective holders of its registered stock of the ability to make informed investment decisions based on current and reliable information.”); *see also United States v. Arthur Young & Co.*, 465 U.S. 805, 810 (1984) (observing that “[c]orporate financial statements are one of the primary sources of information available to guide the decisions of the investing public”).

The Commission has repeatedly held that a company's failure to file periodic filings constitutes a serious and egregious violation of Section 13(a). *See Impax Laboratories, Inc.*, Exchange Act Release No. 57864, 2008 SEC LEXIS 1197 at *24 (May 23, 2008); *see also Energy Edge Technologies Corp. et al.*, Initial Decisions Release No. 1201, 2017 SEC LEXIS 3397 at *6 (Oct. 25, 2017) (“complete failure to file a periodic report is presumably more serious than untimely filing, and the seriousness of an untimely filing presumably increases in proportion to its lateness.”).

Although no one factor is controlling, the Commission has repeatedly reaffirmed that “recurrent failure to file periodic reports’ is ‘so serious that only a strongly compelling showing

¹⁹ *See* Exh. 4 to Joyce Dec. (Printout of CTTC's EDGAR history).

with respect to the other factors we consider would justify a lesser sanction than revocation.””
Absolute, Exchange Act Release No. 71866, 2014 SEC LEXIS 1193 at *24 (April 4, 2014)
(quoting *Impax Laboratories, Inc.*, 2008 SEC LEXIS 1197 at *27); *Calais Resources Inc.*,
Exchange Act Release No. 67312, 2012 WL 2499349 at *4 (June 29, 2012) (quoting *Nature’s
Sunshine Prods., Inc.*, 2009 WL 137145 at *7); accord *Cobalis Corp.*, Exchange Act Release
No. 64813, 2011 WL 2644158 at *5 (July 6, 2011); *Am. Stellar Energy, Inc. (n/k/a Tara Gold)*,
Exchange Act Release No. 64897, 2011 WL 2783483 at *4 (July 18, 2011). Thus, the first
Gateway factor clearly supports revocation.

2. CTTC’s violations of Section 13(a) are recurrent, continuous, and ongoing.

CTTC’s failure to file reports for more than four years constitutes a recurrent, continuous, and ongoing violation of Section 13(a). *See, e.g., Accredited Bus. Consolidators Corp.*, 2015 WL 5172970 at *2 (failure to file “any periodic reports for over two years” was recurrent); *Nature’s Sunshine Prods.*, 2009 WL 137145 at *5 (failure to file “required filings over the course of the two-year period in the OIP” was recurrent). Given the central importance of the reporting requirements imposed by Section 13(a) and the rules thereunder, delinquencies of far less duration have resulted in revocation. *See, e.g., WSF Corp.*, 2002 SEC LEXIS 1242 at *14 (revoking issuer who failed to file one Form 10-K and three Forms 10-Q); *Freedom Golf Corp.*, Initial Decision Release No. 227, 2003 SEC LEXIS 1178 at *5 (May 15, 2003) (revoking issuer who failed to file one Form 10-K and one Form 10-Q); *iBIZ Technology Corp.*, Initial Decision Release No. 312, 2006 SEC LEXIS 1406 at *1 (June 16, 2006) (revoking issuer who failed to file one Form 10-K and two Forms 10-Q). Therefore, the second *Gateway* factor supports revocation.

3. CTTC’s degree of culpability supports revocation.

CTTC’s knowledge of its reporting requirements and protracted period of noncompliance evidences a high degree of culpability also supporting revocation. In *Gateway*, the Commission held that the delinquent issuer “evidenced a high degree of culpability,” because it “knew of its reporting obligations, yet failed to file” twenty periodic reports and only filed two Forms 12b-25. *Gateway*, 2006 SEC LEXIS 1288 at *21. *See also Citizens Capital Corp.*, 2012 WL 2499350 at *5 (finding respondent’s “long history of ignoring reporting obligations evidences a high degree of culpability”) (cleaned up).

CTTC’s Answer, which touts its filing of certain Form 8-Ks in saying that CTTC “has filed Current Reports on Form 8-K as those reports are required in compliance with Exchange Act Section 13(a) and Rules 13a-1 and 13a,” is direct evidence of CTTC’s knowledge of its reporting requirements.²⁰ CTTC also understood the need to file a Form 12b-25, notifying the Commission of its inability to timely file its periodic reports, as evidenced by the three Forms 12b-25 filed in 2017: 1) on March 31, 2017; 2) on August 16, 2017; and (3) on November 15, 2017.²¹ But since November 2017, CTTC has not even bothered to file Forms 12b-25 for its numerous additional delinquent filings. Accordingly, the third *Gateway* factor supports revocation.

4. CTTC has not made sufficient efforts to remedy its past violations and ensure future compliance.

In determining what sanctions will adequately protect investors, the Commission considers the extent of the issuer’s efforts to remedy its past violations and ensure future compliance. *Gateway*, 2006 WL 1506286 at *4. CTTC has not made sufficient efforts to

²⁰ Answer at ¶1.

²¹ *See* Exh. 4 to Joyce Dec. (Printout of CTTC’s EDGAR history).

remedy its past violations. Indeed, in its Answer, CTTC has only stated that it “now has a revenue stream by which it is able to pay auditors and others, and has a plan by which it has now begun working on preparing and filing all past due reports.”²² Such a statement is insufficient; a vague plan is not a sufficient effort. *See A-Power Energy Generation Systems, Ltd.*, Initial Decision Release No. 470, 2012 WL 5377787 at *1 (Nov. 2, 2012) (finding that although A-Power “represents that it plans to return to compliance,” such plans were insufficient to avoid revocation under Section 12(j)). In affirming that Initial Decision, the Commission stated that A-Power “provided no information on the steps that it has taken or plans to take to remedy its past violations and ensure future compliance. And it has not indicated whether it has hired an auditor...” and “it is unreasonable to expect that A-Power can become current in its reporting obligations in the foreseeable future.” *A-Power Energy Generation Systems, Ltd.*, 2013 WL 11755036 at *3; *see also Investco, Inc.*, 2003 SEC LEXIS 2792 at *6.

Here, as in *A-Power Energy Generation Systems, Ltd.*, CTTC has not provided any information on the steps that it has taken or plans to take to remedy its past violations and ensure future compliance. And it has not indicated whether it has hired an auditor. Nor has it provided a specific date by which it will file any of its many delinquent reports. CTTC merely says that it “now has a revenue stream by which it is able to pay auditors and others, and has a plan by which it has now begun working on preparing and filing all past due reports.”²³ Simply having a plan is insufficient. Having the ability to pay auditors and others is insufficient. During its long period of delinquency and in the months since this case was initiated, CTTC has not filed a single one of its many delinquent filings.

²² Answer at ¶1.

²³ Answer at ¶1.

CTTC has not made sufficient efforts to remedy its past violations and ensure future compliance. Thus, the fourth *Gateway* factor supports revocation.

5. CTTC cannot credibly provide assurances as to future compliance.

CTTC has not provided any assurance that it will comply with the Commission's rules in the future. Even if it did, any assurances CTTC may provide would lack credibility. CTTC has not filed a periodic report for more than four years. An issuer's failure "to recognize the importance of providing [required] information to its investors undermines the credibility of its assurances of future compliance with its reporting obligations." *Am. Stellar*, 2011 WL 2783483 at *5 (issuer's assurances were not credible where it claimed investors were not harmed by missing annual reports in 2008 and 2009 because there was no reliable information on the company's condition for those years and the issuer's last annual report contained the most current information available).

CTTC's likelihood of future violations can be inferred from a single past violation, including the very violation that led to the enforcement action. *See KPMG Peat Marwick LLP*, Exchange Act Release No. 44050, 2001 SEC LEXIS 422 at *21- 22 (Mar. 8, 2001) (some risk of future violation "need not be very great to warrant issuing a cease-and-desist order and that in the ordinary case and absent evidence to the contrary, a finding of past violation raises a sufficient risk of future violation.").

Moreover, other assurances provided by CTTC in the past have not been credible. When CTTC filed a Form 12b-25 on March 18, 2017, notifying the Commission of its inability to timely file its 2016 Form 10-K, and representing in the Form 12b-25 that it would file its 2016 annual report within 15 days of the due date, CTTC's assurance was not credible. CTTC did not file its 2016 Form 10-K within 15 days of its due date; it did not file its 2016 10-K until July 21,

2017 – nearly 4 months late.²⁴ When CTTC filed a 12b-25 on August 16, 2017, notifying the Commission of its inability to timely file its June 30, 2017 Form 10-Q, and representing in the Form 12b-25 that it would file its June 30, 2017 quarterly report within five days of the due date, CTTC's assurance was not credible. CTTC did not file its June 30, 2017 10-Q with 5 days of its due date; it did not file its June 30, 2017 10-Q at all.²⁵ When CTTC filed a 12b-25 on November 15, 2017, notifying the Commission of its inability to timely file its September 30, 2017 Form 10-Q, and representing in the Form 12b-25 that it would file its September 30, 2017 quarterly report within five days of the due date, CTTC's assurance again was not credible. CTTC did not file its September 30, 2017 10-Q with 5 days of its due date; it did not file its September 30, 2017 10-Q at all.²⁶

Any assurance that CTTC may provide would lack credibility. The fifth *Gateway* factor supports revocation.

D. CTTC Cannot Provide Any Showing That Revocation Is Inappropriate.

All five *Gateway* factors support revocation of CTTC's registration as being necessary and appropriate for the protection of investors. The explanations and other defenses CTTC has raised in its Answer do not rebut a single factor. *See, e.g., Eagletech Communications, Inc.*, Exchange Act Release No. 54095, 2006 SEC LEXIS 1534 at *6 (July 5, 2006) (issuer being the victim of third-party criminal activity would not excuse failure to file periodic reports); *Cobalis Corp.*, 2011 WL 2644158 at *6 (actions of shareholder in forcing involuntary bankruptcy proceeding and forcing issuance of stock did not excuse Exchange Act violations).

²⁴ *See* Exh. 4 to Joyce Dec. (Printout of CTTC's EDGAR history).

²⁵ *Id.*

²⁶ *Id.*

For instance, even if Covid-19 did have a grave impact on CTTC, then the investing public was deprived of highly relevant information, arguably when it was most needed. *See China-Biotics, Inc.*, 2013 WL 5883342 at *11 (delinquencies were “especially serious” because they occurred when the company was undergoing significant changes which were “precisely the kind of material information that must be disclosed on a timely basis under Exchange Act Section 13 to ensure fair dealing in a company’s securities”). Moreover, CTTC was delinquent for three years before the Covid-19 pandemic began. In addition, CTTC’s vague reference to the grave impact of Covid-19 on its operations lacks credibility, since CTTC also claims that during the same time period, it assured itself of a revenue stream and devised an unspecified plan for filing its delinquent reports.

Even if CTTC is now ready to file its eighteen missing periodic reports, it is too late. To make a compelling showing to avoid revocation, it is not enough for the issuer to show that it “has returned to reporting compliance and begun to submit long overdue filings” because “other considerations may justify” revocation. *e-Smart Techs., Inc.*, Exchange Act Release No. 50514, 2004 WL 2309336 at *2 n.18 (Oct. 12, 2004) (internal punctuation and citation omitted). Evidence that an issuer became compliant only after Section 12(j) proceedings are initiated does not satisfy the “strongly compelling” showing necessary to overcome the presumption of revocation:

As we have recognized, revocation may be warranted [where an issuer has regained compliance before a law judge issues an initial decision] to address not only the harm to current and prospective investors in the non-compliant issuer but also to address the broader systemic harm that follows from registrants who “game the system” by complying with their unambiguous reporting obligations only when they are confronted by imminent revocation. A sanction other than revocation would reward those issuers who fail to file required periodic reports when due over an extended period of time and make last-minute filings only after becoming the subject of Exchange Act Section 12(j) proceedings in an effort to bring

themselves current with their reporting obligations. Such conduct prolongs indefinitely the period during which public investors would be without accurate, complete, and timely reports and significantly detracts from the Exchange Act's reporting requirements.

Absolute, 2014 SEC LEXIS 1193 at *27. *See also China-Biotics*, 2013 WL 11270156 (ordering revocation under same circumstances); *Nature's Sunshine Prods.*, 2009 WL 137145 at *8 (revocation warranted to deter issuers which, "on the eve of hearings before the law judge or, in this case, oral argument on appeal, make last-minute filings in an effort to bring themselves current with their reporting obligations"); *Calais Resources Inc.*, 2012 WL 2499349 at *7 (same).

There is no valid excuse for CTTC's delinquency. Revocation is the appropriate sanction for CTTC's conduct.

III. Conclusion

For the reasons set forth above, a sanction of revocation is appropriate and necessary for the protection of investors. Accordingly, the Division requests that the Commission grant the Division's Motion for Summary Disposition and that the Commission revoke the registrations of each class of CTTC's securities registered under Exchange Act Section 12.

Dated: December 2, 2021

Respectfully submitted,

/s/ Christopher Bruckmann

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Securities and Exchange Commission

100 F Street, N.E.

Washington, D.C. 20549

Counsel for Division of Enforcement

CERTIFICATE OF SERVICE

I hereby certify that I caused true copies of the Division of Enforcement's Motion for Summary Disposition as to Calmare Therapeutics Incorporated and Brief in Support to be served on the following on December 2, 2021, in the manner indicated below:

*/s/ Christopher Bruckmann*_____

Christopher Bruckmann

Via eFap:

Office of the Secretary

By Email

Paul L. Vorndran
Alan Talesnick
Jones & Keller, P.C.
1675 Broadway, 26th Floor
Denver, Colorado 80202
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atalesnick@joneskeller.com

Counsel for Respondent Calmare Therapeutics Incorporated

CERTIFICATE AS TO LENGTH

Although this Motion and Brief is longer than 15 pages, it complies with SEC Rule of Practice 154 because, exclusive of table of contents, table of authorities, and the supporting declarations and exhibits, it contains 5,805 words, as indicated by Microsoft Word.

*/s/ Christopher Bruckmann*_____

Christopher Bruckmann

Report Section Summary

- General Information (1)
- Tax Information (1)
- File History Information (1)
- Stock Information (1)
- Registered Agent Information (1)
- Report section(s) with no matches (2)

General Information

Name: CALMARE THERAPEUTICS INCORPORATED
Date: 07-20-2021
Time: 05:59:33 PM
Address:
County:
Country:
File Number: 774308
Company Stock: true
Kind of Corporation: Corporation
Type of Corporation: General
Status: Void, AR's or Tax Delinquent
Status Date & Time: 03-01-2019
Residency:
Incorporation State: DE
Incorporation Date & Time: 08-12-1971
Renewal Date & Time:
Merged to Number:
Foreign Incorporation Name:
Type of Foreign
Corporation:
Expiration Date:
Foreign Date of
Incorporation:
Original State:
Quarterly Filing:
Date of Last Annual Report:

Tax Information

Tax Type: A/R Filing Required
Tax Balance: 453168.53
Tax Year: 2018
Filing Fee: 50
Total Taxes: 200000
Total Penalty: 200
Total Interest: 16200
Total Other: 0
Total Paid: 0
Total Unpaid Balance: 216450
Tax Year: 2017
Filing Fee: 50
Total Taxes: 200000
Total Penalty: 200
Total Interest: 36468.53
Total Other: 0

Total Paid:	0
Total Unpaid Balance:	236718.53
Tax Year:	2016
Filing Fee:	50
Total Taxes:	5339.90
Total Penalty:	125
Total Interest:	983.68
Total Other:	0
Total Paid:	6498.58
Total Unpaid Balance:	0

File History Information

Filing Year:	2016
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Number of Domestication Pages:	0
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Document Filing Status:	Archived
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Merger Type:	
Filing Year:	2016
Document Code	Amendment Stock
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Number of Domestication Pages:	0
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Document Effective Date & Time:	02-04-2016
Document Filing Status:	Archived
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Merger Type:	
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Number of Domestication Pages:	0
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Document Filing Status:	Completed
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Merger Type:	
Filing Year:	2014
Document Code	Amendment Stock
Description:	
Number of pages in Document:	1

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Document Filing Status: Completed
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Merger Type:
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Document Code Stock Designation
Description:
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Number of Domestication 0
Pages:
Document Filing Date & Time: 12-17-2010 02:37:00 PM
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Document Filing Status: Completed
Name Prior to Merger:
Merger Type:

Stock Information

Stock Amendment Number: 4
Effective Date & Time: 05-16-2016
Total Authorized Shares: 100056670
No Par Shares: 0
Description: COMMON
Class:
Series:
Number of Authorized Shares: 100000000
Designated Shares: 0
Par Value: 0.01
Description: 5% PREFERRED
Class:
Series:
Number of Authorized Shares: 35920
Designated Shares: 0
Par Value: 25
Description: SERIES B PREFERRED
Class:
Series:
Number of Authorized Shares: 20000
Designated Shares: 0
Par Value: 0.001
Description: SERIES CONV PREFERRED
Class:
Series:
Number of Authorized Shares: 750

Designated Shares: 0
Par Value: 1000

Registered Agent Information

Agent's Name: THE CORPORATION TRUST COMPANY
Agent's Number: 9000010
Agent's County: New Castle
Agent's Country: US
Address: CORPORATION TRUST CENTER 1209 ORANGE
ST WILMINGTON, DE 19801
Phone:
Fax:

Report section(s) with no matches

Merger Information, Possible Bankruptcies

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

FORM 8-A12(G)

FOR REGISTRATION OF CERTAIN CLASSES OF SECURITIES
PURSUANT TO SECTION 12(b) OR (g) OF THE
SECURITIES EXCHANGE ACT OF 1934

CALMARE THERAPEUTICS INCORPORATED
(Exact name of Registrant as specified in its charter)

Delaware
(State or other jurisdiction
of Incorporation)

36-2664428
(IRS Employer
Identification Number)

**1375 Kings Highway East, Suite 400 Fairfield,
Connecticut 06824**
(Address of principal executive offices)

Phone: (203) 368-6044
(Registrant's Telephone Number)

Securities to be registered pursuant to Section 12(b) of the Act: None

If this form relates to the registration of a class of securities pursuant to Section 12(b) of the Exchange Act and is effective pursuant to General Instruction A.(c), check the following box.

If this form relates to the registration of a class of securities pursuant to Section 12(g) of the Exchange Act and is effective pursuant to General Instruction A.(d), check the following box.

Securities to be registered pursuant to Section 12(g) of the Act:

Title of each class
to be so registered

Common Stock, par value \$0.01 per share

INFORMATION REQUIRED IN REGISTRATION STATEMENT

Item 1. Description of Registrant's Securities to be Registered

The following sets forth the material terms of the Company's common stock. However, a more detailed description of our securities is contained in the Company's Articles of Incorporation:

Our Articles of Incorporation authorize the issuance of 40,000,000 shares of common stock, par value \$0.01. As of November 21, 2014, the Company had 25,801,772 shares issued and outstanding.

Holders of common stock are entitled to one vote per share on all matters to be voted on by the stockholders. Holders of common stock are entitled to receive rateably such dividends, if any, as may be declared by the Board of Directors out of funds legally available therefor. In the event of a liquidation, dissolution, or winding up of the Company, the holders of common stock are entitled to share rateably in all of our assets which are legally available for distribution after payment of all debts and other liabilities and liquidation preference of any outstanding stock.

Holders of our common stock have no preemptive rights to purchase common stock. There are no conversion or redemption rights or sinking fund provisions with respect to the common stock. The outstanding shares of common stock are validly issued, fully paid and non-assessable.

Item 2. Exhibits

The following exhibits are incorporated herein by reference:

Exhibit Number	Description of Exhibit
3.1	Unofficial restated certificate of incorporation of the registrant as amended to date filed (on April 1, 1998) as Exhibit 4.1 to registrant's Registration Statement on Form S-8, File Number 333-49095 and hereby incorporated by reference
3.2	Certificate of Amendment to Articles of Incorporation, filed on August 20, 2014, on Form 8-K and hereby incorporated by reference
3.3	By-laws of the registrant as amended effective October 14, 2005, filed (on December 12, 2005) as Exhibit 3.2 to registrant's Quarterly Report on Form 10-Q for the quarterly period ended October 31, 2005, and hereby incorporated by reference.

SIGNATURE

Pursuant to the requirements of the Securities Exchange Act of 1934, as amended, the Company has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

CALMARE THERAPEUTICS INCORPORATED

Date: December 8, 2014

By: /s/ Conrad Mir
Conrad Mir
Chief Executive Officer



MMID: 1SEC UserID: GJOYCE Name: Gina Joyce
 Phone1: 202-551-4850 Phone2: Fax: Email: JoyceG@sec.gov

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OTC Markets Group Inc.® Quote & Inside History

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CTTC -- CALMARE THERAPEUTICS INC

CUSIP: 13126R102 OTC ID:7756 Security Type:CS

Exclude: None

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No of Records: 22

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Start of day

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Last Day of Activity

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Company Folder

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Filings

Related materials

Exhibits

Company: CALMARE THERAPEUTICS Inc
Cmpy Status: null
CIK: [0000102198](#)

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<< Prev - 1 - Next >>

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-20550

<p>In the Matter of</p> <p>Calmare Therapeutics Incorporated.,</p> <p>Respondent.</p>
--

STIPULATION

The Division of Enforcement (“Division”) and Calmare Therapeutics Incorporated (“Respondent” or “Calmare”), hereby stipulate and agree as follows:

1. Calmare did not file any Form 10-K or Form 10-Q reports with the Securities and Exchange Commission after its Form 10-K, filed in 2017, for the period ending December 31, 2016 and before the issuance of the Order Instituting Proceedings in this matter on September 14, 2021, although Calmare did file a number of Form 8-K reports during and subsequent to 2017. Calmare was therefore delinquent in its obligation, under the Securities and Exchange Act Section 13(a) and Rules 13a-1 and 13a-13 thereunder, to file its Form 10-K or Form 10-Q reports with the Securities and Exchange Commission as of September 14, 2021.
2. Calmare has not filed any Form 10-K or Form 10-Q reports with the Securities and Exchange Commission between September 14, 2021 and today’s date. Calmare therefore remains delinquent in its obligation, under the Securities and Exchange Act

Section 13(a) and Rules 13a-1 and 13a-13 thereunder, to file its Form 10-K and Form 10-Q reports with the Securities and Exchange Commission as of today's date.

Dated: November 4, 2021

Respectfully submitted,

/s/ Christopher Bruckmann

Christopher Bruckmann (202) 551-5986

Gina Joyce (202) 551-4850

bruckmannc@sec.gov

joyceg@sec.gov

Securities and Exchange Commission

100 F Street, N.E.

Washington, D.C. 20549

Counsel for Division of Enforcement

/s/ Paul L. Vorndran

Paul L. Vorndran

Alan Talesnick

Jones & Keller

1675 Broadway, 26th Floor

Denver, Colorado 80202

pvorndran@joneskeller.com

atalesnick@joneskeller.com

Counsel for Respondent Calmare Therapeutics Incorporated



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

November 29, 2018

CERTIFIED MAIL
TRACKING # 7017240000008370968
RETURN RECEIPT REQUESTED

Conrad Mir, CEO
CALMARE THERAPEUTICS Inc
1375 Kings Highway East
Fairfield, CT 06824

Re: CALMARE THERAPEUTICS Inc
File No. 1-08696

Dear Mr. Mir:

We are writing to address the reporting responsibilities under the Securities Exchange Act of 1934 of the referenced company. For ease of discussion in this letter, we will refer to the referenced company as the "Registrant."

It appears that the Registrant is not in compliance with its reporting requirements under Section 13(a) of the Securities Exchange Act of 1934. If the Registrant is in compliance with its reporting requirements, please contact us (through the contact person specified below) within fifteen days from the date of this letter so we can discuss the reasons why our records do not indicate that compliance. If the Registrant is not in compliance with its reporting requirements, it should file all required reports within fifteen days from the date of this letter.

If the Registrant has not filed all required reports within fifteen days from the date of this letter, please be aware that the Registrant may be subject, without further notice, to an administrative proceeding to revoke its registration under the Securities Exchange Act of 1934. This administrative proceeding would be brought by the Commission's Division of Enforcement pursuant to Section 12(j) of the Securities Exchange Act of 1934. If the Registrant's stock is trading, it also may be subject to a trading suspension by the Commission pursuant to Section 12(k) of the Securities Exchange Act of 1934.

Finally, please consider whether the Registrant is eligible to terminate its registration under the Securities Exchange Act of 1934. If the Registrant is eligible to terminate its registration, it would do so by filing a Form 15 with the Commission. While the filing of a Form 15 may cease the Registrant's on-going requirement to file periodic and current reports, it would **not** remove the Registrant's obligation to file all reports required under Section 13(a) of the Securities Exchange Act of 1934 that were due on or before the date the Registrant filed its Form 15. Again, if the Registrant is eligible to terminate its registration under the Securities Exchange Act of 1934, please note that the filing of a Form 15 would not remove the Registrant's requirement to file delinquent Securities Exchange Act of 1934 reports – the Registrant would still be required to file with the Commission all periodic reports due on or before the date on which the Registrant filed a Form 15.

If you should have a particular question in regard to this letter, please contact the undersigned at (202) 551-3245 or by email at OEL_DFP@sec.gov.

Sincerely,

/s/ Marva D. Simpson

Marva D. Simpson
Special Counsel
Office of Enforcement Liaison
Division of Corporation Finance

OS Received 12/02/2021

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Conrad Mir, CEO
 CALMARE THERAPEUTICS Inc
 1375 Kings Highway East
 Fairfield, CT 06824



9590 9402 3349 7227 1835 80

2. Article Number (Transfer from service label)

7017 2400 0000 0837 0968

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Mc Cataldo

- Agent
- Addressee

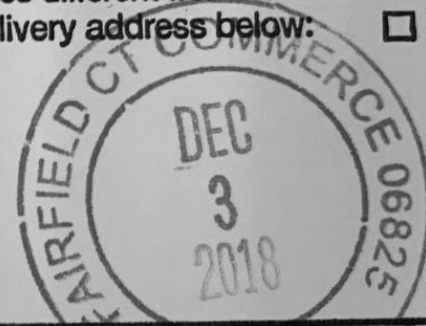
B. Received by (Printed Name)

Mc Cataldo

C. Date of Delivery

12.3.18

- D. Is delivery address different from item 1? Yes**
If YES, enter delivery address below: No



3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Registered Mail
- Registered Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

OMB APPROVAL	
OMB Number:	3235-0063
Expires:	October 31, 2022
Estimated average burden hours per response ...	2,326.62

FORM 10-K

**ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF
THE SECURITIES EXCHANGE ACT OF 1934**

GENERAL INSTRUCTIONS

A. Rule as to Use of Form 10-K.

- (1) This Form shall be used for annual reports pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)) (the "Act") for which no other form is prescribed. This Form also shall be used for transition reports filed pursuant to Section 13 or 15(d) of the Act.
- (2) Annual reports on this Form shall be filed within the following period:
 - (a) 60 days after the end of the fiscal year covered by the report (75 days for fiscal years ending before December 15, 2006) for large accelerated filers (as defined in 17 CFR 240.12b-2);
 - (b) 75 days after the end of the fiscal year covered by the report for accelerated filers (as defined in 17 CFR 240.12b-2); and
 - (c) 90 days after the end of the fiscal year covered by the report for all other registrants.
- (3) Transition reports on this Form shall be filed in accordance with the requirements set forth in Rule 13a-10 (17 CFR 240.13a-10) or Rule 15d-10 (17 CFR 240.15d-10) applicable when the registrant changes its fiscal year end.
- (4) Notwithstanding paragraphs (2) and (3) of this General Instruction A., all schedules required by Article 12 of Regulation S-X (17 CFR 210.12-01 - 210.12-29) may, at the option of the registrant, be filed as an amendment to the report not later than 30 days after the applicable due date of the report.

B. Application of General Rules and Regulations.

- (1) The General Rules and Regulations under the Act (17 CFR 240) contain certain general requirements which are applicable to reports on any form. These general requirements should be carefully read and observed in the preparation and filing of reports on this Form.
- (2) Particular attention is directed to Regulation 12B which contains general requirements regarding matters such as the kind and size of paper to be used, the legibility of the report, the information to be given whenever the title of securities is required to be stated, and the filing of the report. The definitions contained in Rule 12b-2 should be especially noted. *See also* Regulations 13A and 15D.

C. Preparation of Report.

- (1) This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the report on paper meeting the requirements of Rule 12b-12. Except as provided in General Instruction G, the answers to the items shall be prepared in the manner specified in Rule 12b-13.
- (2) Except where information is required to be given for the fiscal year or as of a specified date, it shall be given as of the latest practicable date.
- (3) Attention is directed to Rule 12b-20, which states: "In addition to the information expressly required to be included in a statement or report, there shall be added such further material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made, not misleading."

**SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549**

FORM 8-K

CURRENT REPORT

**PURSUANT TO SECTION 13 OR 15(d) OF
THE SECURITIES EXCHANGE ACT OF 1934**

Date of Report (Date of earliest event reported): June 9, 2020 (June 1, 2020)

CALMARE THERAPEUTICS INCORPORATED
(Exact name of registrant as specified in its charter)

Delaware

(State or other jurisdiction
of Incorporation)

001-08696

(Commission File Number)

36-2664428

(IRS Employer
Identification Number)

**1375 Kings Highway East
Fairfield, CT 06824**
(Address of principal executive offices)

203-368-6044
(Registrant's Telephone Number)

N/A

(Former name or former address, if changed since last report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
- Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
- Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

Securities registered pursuant to Section 12(b) of the Act: **None**

Title of each class

Trading Symbol(s)

Name of each exchange on which registered

Indicate by check mark whether the registrant is an emerging growth company as defined in Rule 405 of the Securities Act of 1933 (§230.405 of this chapter) or Rule 12b-2 of the Securities Exchange Act of 1934 (§240.12b-2 of this chapter).

Emerging growth company

If an emerging growth company, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 13(a) of the Exchange Act.

Item 1.01 Entry into a Material Definitive Agreement.

On June 1, 2020, Calmare Therapeutics Incorporated (the “Registrant”) was awarded Federal Supply Schedule Contract 36F79720D0118 (the “Agreement”), effective June 15, 2020, by the U.S. Department of Veterans Affairs (the “VA”). The Agreement authorizes \$2,500,000 of orders by the VA for Calmare® Pain Therapy Devices. The Agreement was awarded under Schedule 65 II A-Medical, Equipment and Supplies under Federal Supply Schedule Solicitation RFP-797-FSS-99-0025-R9 and has a term of 5 years. A redacted copy of the award letter is provided in this Form 8-K as Exhibit 10.1.

ITEM 8.01 OTHER EVENTS.

On June 9, 2020, the Registrant issued a press release titled “Calmare Therapeutics Awarded \$2.5 Million, Five-Year Contract by U.S. Department of Veteran Affairs for Calmare® Pain Therapy Devices”. A copy of the press release is provided in this Form 8-K as Exhibit 99.1.

The information in Item 8.01 of this Form 8-K is being furnished and shall not be deemed “filed” for the purposes of Section 18 of the Securities Exchange Act of 1934, or otherwise subject to the liabilities of that section. The information in Item 8.01 of this Form 8-K also shall not be deemed to be incorporated by reference into any filing under the Securities Act of 1933, as amended, or the Securities Exchange Act of 1934, except to the extent that the Company specifically incorporates it by reference.

ITEM 9.01. Financial Statements and Exhibits

Exhibits.

- 10.1 [Letter, dated June 1, 2020, from U.S. Federal Supply Schedule Service to Calmare Therapeutics Incorporated awarding Federal Supply Schedule Contract 36F79720D0118, effective June 15, 2020, by the U.S. Department of Veterans Affairs to Calmare Therapeutics Incorporated.](#)
- 99.1 [Press Release, dated June 9, 2020, titled “Calmare Therapeutics Awarded \\$2.5 Million, Five-Year Contract by U.S. Department of Veteran Affairs for Calmare® Pain Therapy Devices”.](#)

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned thereunto duly authorized.

June 9, 2020

By: /s/ Conrad Mir
Conrad Mir
Chief Executive Officer

**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION**
Washington, D.C. 20549

FORM 10-K

**ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF
THE SECURITIES EXCHANGE ACT OF 1934**

Mark One)

ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934

For the fiscal year ended December 31, 2016

or

TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934

For the transition period from _____ to _____

Commission file number 001-08696



CALMARE THERAPEUTICS INCORPORATED

(Exact name of registrant as specified in its charter)

Delaware

(State or other jurisdiction of
incorporation or organization)

36-2664428

(I. R. S. Employer
Identification No.)

1375 Kings Highway East, Suite 400, Fairfield, CT

(Address of principal executive offices)

06824

(Zip Code)

Registrant's telephone number, including area code (203) 368-6044

Securities registered pursuant to Section 12(b) of the Act: **None**

Securities registered pursuant to Section 12(g) of the Act: **Common Stock, \$0.01 par value**

Indicate by check mark if the registrant is a well-known seasoned issuer, as defined in Rule 405 of the Securities Act.

Yes No

Indicate by check mark if the registrant is not required to file reports pursuant to Section 13 or Section 15(d) of the Act.

Yes No

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days.

Yes No

Indicate by check mark whether the registrant has submitted electronically and posted on its corporate Web site, if any, every Interactive Data File required to be submitted and posted pursuant to Rule 405 of Regulation S-T (§232.405 of this chapter) during the preceding 12 months (or for such shorter period that the registrant was required to submit and post such files).

Yes No

Indicate by check mark if disclosure of delinquent filers pursuant to Item 405 of Regulation S-K (§ 229.405 of this chapter) is not contained herein, and will not be contained, to the best of registrant's knowledge, in definitive proxy or information statements incorporated by reference in Part III of this Form 10-K or any amendment to this Form 10-K.

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, a non-accelerated filer or a smaller reporting company. See definitions of "large accelerated filer," "accelerated filer" and "smaller reporting company" in Rule 12b-2 of the Exchange Act

Large accelerated filer

Accelerated filer

Non-accelerated filer (Do not check if a smaller reporting company)

Smaller reporting company

Emerging growth company

If an emerging growth company, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 13(a) of the Exchange Act.

Indicate by check mark whether the registrant is a shell company (as defined in rule 12b-2 of the Exchange Act).

Yes No

State the aggregate market value of the registrant's voting and non-voting common equity held by non-affiliates, based on the closing price of \$0.1001 as reported by the OTCQB, as of the last business day of the registrant's most recently completed second quarter (June 30, 2017).

\$3,040,702

As of July 17, 2017, the registrant had 30,376,639 shares of its common stock, \$0.01 par value per share, outstanding.

Documents Incorporated By Reference: **None**

OS Received 12/02/2021

Exhibit 10, p. 1

<https://www.edgar.sec.gov/AR/DisplayDocument.do?step=docOnly&accessionNumber=0...> 11/3/2021