



DIVISION OF  
ENFORCEMENT

UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
100 PEARL STREET, SUITE 20-100  
NEW YORK, NY 10004-2616

September 5, 2023

**By Electronic Filing System (efAP)**

Office of the Secretary  
Securities and Exchange Commission  
100 F Street, NE  
Washington, DC 20549

**Re: *In the Matter of Donald S. LaGuardia, Jr.***  
Admin. Proceeding File No. 3-20941

Dear Secretary:

Pursuant to the August 8, 2023 Order Denying Stay and Directing Pre-Hearing Conference, counsel for the Division of Enforcement (“Division”) and Donald S. LaGuardia, Jr. (“LaGuardia” or “Respondent”) have conferred.

**I. Potential Settlement**

The parties have not been able to reach a settlement agreement.

**II. The Related Criminal and Civil Proceedings**

Respondent was indicted in the related criminal proceeding *U.S. v. LaGuardia*, 19-cr.-00893 (S.D.N.Y.) (LAK) (the “Criminal Case”) on December 13, 2019. The Criminal Case went to trial on November 4, 2020, and Respondent was found guilty on all three counts on November 20, 2020. The Securities and Exchange Commission (“Commission”) filed a parallel civil proceeding on June 24, 2019, *SEC v. LaGuardia*, 29-civ.-5895 (S.D.N.Y.) (ALC) (the “Civil Case”). On July 21, 2019, the court in the Civil Case granted the Commission summary judgment on liability, based on collateral estoppel from the Criminal Case. On August 30, 2023, the court in the Civil Case issued a final judgment against LaGuardia.

**III. The Respondent Does Not Intend to Contest this Administrative Proceeding**

Counsel for Respondent has informed counsel for the Division that Respondent does not intend to further litigate this administrative proceeding.

OS Received 09/05/2023

**IV. Discovery**

Based on Respondent's decision to not further litigate this proceeding, the parties do not contemplate any further discovery. Respondent already received discovery through the Criminal Case.

**V. Next Steps**

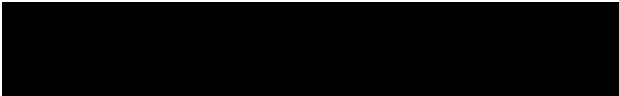
As Respondent has filed an Answer, the Division intends to file a motion for summary disposition. The Division proposes that it file the motion by September 22, 2023.

**VI. Prehearing Conference**

The parties do not believe a prehearing conference with an ALJ is necessary at this time. Following the resolution of the summary disposition motion referenced above, the parties will confer again if there is a need for a prehearing conference, and about those matters detailed in SEC Rule of Practice 221(c).

Thank you for your attention to this matter.

Sincerely,



Christopher J. Dunnigan  
Senior Trial Counsel  
Division of Enforcement

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on the following counsel for Respondent Michael A. Gramins via electronic mail per agreement of the parties:

Jason Moreau, Esq.  
Armstrong Teasdale LLP  
Prudential Tower  
800 Boylston Street, 30th Floor  
Boston MA 02199

Dated: September 5, 2023

Christopher J. Dunnigan