

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES ACT OF 1933
Release No. 10773 / April 16, 2020

SECURITIES EXCHANGE ACT OF 1934
Release No. 88661 / April 16, 2020

Admin. Proc. File No. 3-16509

In the Matter of
EDWARD M. DASPIN, A/K/A “EDWARD (ED)
MICHAEL”

ORDER GRANTING PETITION FOR REVIEW AND SCHEDULING BRIEFS

On October 16, 2019, an administrative law judge issued an initial decision finding that Edward M. Daspin had violated antifraud and registration provisions of the federal securities laws and imposing sanctions.¹ On December 4, 2019, the law judge issued a “notice” stating that the parties had, beginning on November 4, 2019, filed various submissions regarding the initial decision but observing that, “[b]ecause the time for motions to correct manifest errors of fact had expired by that date,” the law judge lacked “the authority to consider the filings.”² The law judge directed that “[a]ny future filing be directed to the Commission.”³

Daspin subsequently made two filings—“A Supplemental Appeal and Corrections of Manifest Errors of Facts” and “Supplemental Due Process Violation, Declaration and Renewed Dismissal Motion, Clarification of Prior Submissions”—which appear to seek review of the initial decision. We construe all of the filings that Daspin made after the law judge issued the initial decision collectively as a petition for review of the initial decision, which we grant

¹ *Edward M. Daspin*, Initial Decision Release No. 1387, 2019 WL 5513181 (Oct. 16, 2019).

² *Edward M. Daspin*, Administrative Proceeding Release No. 6714, 2019 SEC LEXIS 4944, at *1 (Dec. 5, 2019); *see* 17 C.F.R. § 111(h) (requiring motions to correct manifest error be filed within 10 days of the initial decision).

³ *Daspin*, 2019 SEC LEXIS 4944, at *1.

pursuant to Commission Rule of Practice 411.⁴ Pursuant to Rule of Practice 411(d),⁵ the Commission will also determine what sanctions, if any, are appropriate in this matter.

Daspin also filed a document that he describes as “an extension of time to settle this case.” But Daspin provides no basis for granting an extension (such as an explanation about how an extension would facilitate a settlement); nor does he identify the time limit he seeks to extend or specify the length of any such extension.⁶ Instead, the filing repeats many of the same substantive challenges to the initial decision’s findings of violation that Daspin made in earlier filings. We therefore deny Daspin’s motion for an extension.

Accordingly, IT IS ORDERED, pursuant to Rule of Practice 450(a),⁷ that a brief in support of the petition for review shall be filed by May 18, 2020. A brief in opposition shall be filed by June 17, 2020, and any reply brief shall be filed by July 1, 2020.

The parties’ attention is called to Rule of Practice 450(a), which states that no briefs other than those specified in this scheduling order may be filed without leave of the Commission. Particular attention is also called to Rule of Practice 450(b) and (c),⁸ which set forth content requirements and length limitations for briefs, and Rules of Practice 150 through 153,⁹ which set forth the form and service requirements for briefs filed in this matter, as well as the Commission’s March 18, 2020 order providing further instructions regarding the filing and service of papers in administrative proceedings before the Commission.¹⁰ The parties are

⁴ 17 C.F.R. § 201.411. Although Rule of Practice 410(c) provides that a “petition for review shall not exceed three pages in length,” 17 C.F.R. § 201.410(c), we will not require Daspin to file a single petition for review that conforms to Rule 410(c) in light of his pro se status. See *Joseph J. Fox*, Exchange Act Release No. 80308, 2017 WL 1103693, at *7 n.30 (Mar. 24, 2017) (denying the Division of Enforcement’s motion to strike an overlong reply brief that attached 27 exhibits and accepting the brief given the respondent’s pro se status).

⁵ 17 C.F.R. § 201.411(d).

⁶ 17 C.F.R. § 201.161(a) (providing that the Commission may, “for good cause shown,” extend any time limit under the Rules of Practice). Indeed, prior to issuance of this briefing order, the parties were not subject to any pending filing deadline.

⁷ 17 C.F.R. § 201.450(a).

⁸ 17 C.F.R. § 201.450(b) (requiring that briefs contain citations to the record, including references to specific page numbers, and citations to such statutes, decisions and other authorities that may be relevant); 17 C.F.R. § 201.450(c) (requiring that opening and opposition briefs not exceed 14,000 words and reply briefs not exceed 7,000 words); see also 17 C.F.R. § 201.450(d) (requiring any opening or opposition brief that exceeds 30 pages and any reply brief that exceeds 15 pages to include a certificate stating the number of words in that brief).

⁹ 17 C.F.R. § 201.150–153.

¹⁰ See *In re: Pending Administrative Proceedings*, Exchange Act Release No. 88415, <https://www.sec.gov/litigation/opinions/2020/33-10767.pdf>.

reminded that non-compliant briefs may be rejected.¹¹ Pursuant to Rule of Practice 180(c),¹² failure to file a brief in support of the petition may result in dismissal of this review proceeding.

For the Commission, by the Office of the General Counsel and its Secretary, pursuant to delegated authority.

Vanessa A. Countryman
Secretary

¹¹ See *Edward M. Daspin*, Exchange Act Release No. 86230, 2019 WL 2717085, at *2 n.13 (June 28, 2019) (warning that Commission rules expressly authorize the rejection of any future filing that does not conform to their requirements and citing Rule of Practice 180(b), 17 C.F.R. § 201.180(b) (stating that “[t]he Commission or the hearing officer may reject, in whole or in part, any filing that fails to comply with any requirements of these Rules of Practice or of any order issued in the proceeding in which the filing was made”)); see also *Paul Leon White*, Exchange Act Release No. 82199, 2017 WL 11421631, at *1 (Dec. 1, 2017) (dismissing petition for review based on failure to file a brief that complied with the Commission’s word limitation), *appeal pending*, No. 17-3717 (2d Cir. Nov 13, 2017). Our Rules of Practice are available at <https://www.sec.gov/about/rules-of-practice-2019-09.pdf>.

¹² 17 C.F.R. § 201.180(c).