

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 95199 / July 5, 2022

Admin. Proc. File No. 3-20091

In the Matter of

CASIMER ANTHONY POLANCHEK

ORDER

On September 28, 2020, the Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) against Casimer Anthony Polanchek pursuant to Section 15(b) of the Securities Exchange Act of 1934.¹ The OIP alleged that Polanchek had been enjoined from violating various provisions of the federal securities laws. The OIP also alleged that Polanchek had pleaded guilty to one count of observing grand jury proceedings in violation of 18 U.S.C. 1508. The OIP instituted proceedings to determine if the allegations were true and what, if any, remedial action was in the public interest. The OIP directed Polanchek to file an answer to the allegations contained therein within 20 days of service of the OIP.² Although Polanchek was served with the OIP on December 19, 2021, he failed to file an answer.

On February 8, 2022, the Commission issued an order requiring Polanchek to show cause by February 22, 2022, why he should not be deemed to be in default and why this proceeding should not be determined against him due to his failure to file an answer and to otherwise defend this proceeding (“Show Cause Order”).³ The Show Cause Order advised Polanchek that when a party defaults, the allegations in the OIP will be deemed to be true and the Commission may determine the proceeding against that party upon consideration of the record without holding a public hearing.⁴ The Show Cause Order also observed that the OIP previously had informed Polanchek that a failure to file an answer could result in him being deemed in default and the

¹ *Casimer Anthony Polanchek*, Exchange Act Release No. 90030, 2020 WL 5766750 (Sept. 28, 2020); *see* 15 U.S.C. § 78o(b).

² *Polanchek*, 2020 WL 5766750, at *2; Rules of Practice 151(a), 160(b), 220(b), 17 C.F.R. §§ 201.151(a), 160(b), .220(b).

³ *Casimer Anthony Polanchek*, Exchange Act Release No. 94188, 2022 WL 393051, at *1 (Feb. 8, 2022).

⁴ *Id.* (citing Rules of Practice 155, 180, 17 C.F.R. §§ 201.155, .180).

proceedings determined against him.⁵ The Show Cause Order directed Polanchek to make a submission addressing the reasons for his failure to timely file an answer.⁶

Polanchek did not timely respond to the Show Cause Order or file an answer to the OIP. Nonetheless, on multiple occasions, Polanchek has filed a copy of a judgment entered against him in a criminal case in the United States District Court for the District of Arizona.⁷ Although the federal court judgment does not constitute an answer to the OIP under the Commission's Rules of Practice⁸ or a response to the Show Cause Order, Polanchek's repeated filing of the judgment suggests that he would like to defend this proceeding.

As a result, we will provide Polanchek another opportunity to file an answer to the allegations made in the OIP. We direct Polanchek's attention to the OIP, which contains the allegations against him.⁹ Polanchek is also ordered to make the filing directed by the Show Cause Order.¹⁰ A failure to submit either an answer or make the filing directed by the Show Cause Order may result in Polanchek being held in default. We direct Polanchek to the Show Cause Order for information about the consequences of default.¹¹

We also remind Polanchek that he must comply with the Rules of Practice if he wishes to participate in this proceeding. We "expect all parties, including those appearing *pro se*, to familiarize themselves with the Rules of Practice and to comply with procedural requirements."¹²

Accordingly, it is ORDERED that Polanchek's answer to the OIP and response to the Show Cause Order must be filed and served consistent with the Rules of Practice no later than July 26, 2022. The Division of Enforcement may file a reply with 21 days after service of any filing. Upon review of any filings in response to this order, the Commission will either direct further proceedings by subsequent order or issue a final order resolving the matter.

⁵ *Id.* (citing *Polanchek*, 2020 WL 5766750, at *2).

⁶ *Id.*

⁷ It appears that Polanchek may believe his filings are being directed to a court. The Commission's e-filing system is only for filings before the Commission.

⁸ See Rule of Practice 220(c), 17 C.F.R. § 201.220(c) (providing that "an answer shall specifically admit, deny, or state that the party does not have, and is unable to obtain, sufficient information to admit or deny each allegation in the order instituting proceedings" and "must affirmatively state . . . any avoidance or affirmative defense . . .").

⁹ See *supra* note 1.

¹⁰ See *supra* note 6 and accompanying text.

¹¹ See *supra* notes 3-5 and accompanying text.

¹² *Moshe Marc Cohen*, Exchange Act Release No. 78797, 2016 WL 4727517, at *10 (Sept. 9, 2016) (cleaned up).

The parties' attention is directed to the most recent amendments to the Commission's Rules of Practice, which took effect on April 12, 2021, and which include new e-filing requirements.¹³

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

Vanessa A. Countryman
Secretary

¹³ *Amendments to the Commission's Rules of Practice*, Exchange Act Release No. 90442, 2020 WL 7013370 (Nov. 17, 2020), 85 Fed. Reg. 86,464, 86,474 (Dec. 30, 2020), <https://www.sec.gov/rules/final/2020/34-90442a.pdf>; *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. The amendments impose other obligations such as a new redaction and omission of sensitive personal information requirement. *Amendments to the Commission's Rules of Practice*, 85 Fed. Reg. at 86,465-81.