

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934  
Release No. 96758 / January 26, 2023

Admin. Proc. File No. 3-20816

In the Matter of  
  
ANITA SGARRO

ORDER DIRECTING RESPONDENT TO FILE CERTIFICATE OF SERVICE

On April 8, 2022, the Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) against Anita Sgarro pursuant to Section 15(b) of the Securities Exchange Act of 1934.<sup>1</sup> Sgarro was served with the OIP and filed an answer.<sup>2</sup> The prehearing conference was continued while the parties engaged in settlement efforts.<sup>3</sup> Sgarro was directed to accept or decline a pending settlement offer from the Division of Enforcement by January 9, 2023.<sup>4</sup> If the offer was not accepted, the parties were to conduct a prehearing conference by January 30, 2023, and file a status report advising the Commission of any agreements reached at the conference by February 13, 2023.<sup>5</sup>

On January 6, 2023, Sgarro, proceeding *pro se*, filed a motion declining the Division’s settlement offer and seeking a stay of this proceeding through the resolution of all post-judgment motions in her criminal case. That motion was not accompanied by a certificate documenting service on the Division as required by Rule of Practice 151(d).<sup>6</sup>

All respondents, including those proceeding *pro se*, must comply with the Rules of Practice.<sup>7</sup> Accordingly, it is ORDERED that by February 9, 2023, Sgarro shall serve her motion

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<sup>1</sup> *Anita Sgarro*, Exchange Act Release No. 94660, 2022 WL 1058704 (Apr. 8, 2022).

<sup>2</sup> *Anita Sgarro*, Exchange Act Release No. 95113, 2022 WL 2191139 (June 16, 2022).

<sup>3</sup> *Anita Sgarro*, Exchange Act Release No. 95636, 2022 WL 3757568 (Aug. 30, 2022); *Anita Sgarro*, 2022 WL 2191139.

<sup>4</sup> *Anita Sgarro*, Exchange Act Release No. 96268, 2022 WL 16834143 (Nov. 8, 2022)

<sup>5</sup> *Id.*

<sup>6</sup> 17 C.F.R. § 201.151(d) (requiring that filed papers include certificates of service).

<sup>7</sup> *See, e.g., BDO China Dahua CPA Co., Ltd.*, Exchange Act Release No. 72134, 2014 WL 1871077, at \*3 (May 9, 2014) (“Parties, including those appearing *pro se*, are obligated to

for a stay on the Division (if that has not already been done) and file [with the Commission] a certificate of service that conforms with Rule of Practice 151(d).<sup>8</sup> The Division's response to the motion shall be due ten days after the date on which the certificate of service is filed, and any reply by Sgarro shall be due five days after service of the Division's response.

IT IS FURTHER ORDERED that the deadlines for the prehearing conference and status report are continued pending resolution of Sgarro's motion and that new deadlines will be established in the order resolving that motion.

Pursuant to Rule of Practice 180(c),<sup>9</sup> a party's failure to comply with this order may result in the Commission's entry of a default, dismissal of the proceeding, determination of the matter at issue against that party, or a finding of waiver. For example, if Sgarro fails to file the requisite certificate of service, the Commission may reject her motion to stay as deficient on that basis alone.<sup>10</sup> In issuing this order, we express no views as to the substance of Sgarro's motion.

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

Vanessa A. Countryman  
Secretary

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familiarize themselves with the Rules of Practice.”) (quoting *Adopting Release, Rules of Practice*, Exchange Act Release No. 35833, 1995 WL 368865, at \*36 (June 9, 1995)).

<sup>8</sup> 17 C.F.R. § 201.151(d) (requiring certificate of service to state “the name of the person or persons served, the date of service, the method of service, and the mailing address or email address to which service was made, if not made in person”).

<sup>9</sup> 17 C.F.R. § 201.180(c).

<sup>10</sup> 17 C.F.R. § 201.180(c)(2) (stating that sanctions may be imposed for failing to “cure a deficient filing within the time specified by the Commission”); *see also Adopting Release, Rules of Practice*, 1995 WL 368865, at \*36 (explaining that a “filing may be rejected if it fails to meet the requirements of any rule” and that “filings that are not served as required . . . could be found to be deficient”).