

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 96349 / November 18, 2022

ACCOUNTING AND AUDITING ENFORCEMENT
Release No. 4367 / November 18, 2022

ADMINISTRATIVE PROCEEDING
File No. 3-21242

In the Matter of

DANIEL MOSER

Respondent.

**ORDER INSTITUTING PUBLIC
ADMINISTRATIVE PROCEEDINGS
PURSUANT TO RULE 102(e) OF THE
COMMISSION’S RULES OF PRACTICE,
MAKING FINDINGS, AND IMPOSING
REMEDIAL SANCTIONS**

I.

The Securities and Exchange Commission (“Commission”) deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted against Daniel Moser (“Respondent” or “Moser”) pursuant to Rule 102(e)(3)(i) of the Commission’s Rules of Practice.¹

II.

In anticipation of the institution of these proceedings, Respondent has submitted an Offer of Settlement (the “Offer”) which the Commission has determined to accept. Solely for the purpose of these proceedings and any other proceedings brought by or on behalf of the Commission, or to which the Commission is a party, Respondent admits the findings in Paragraph III.2 below and consents to the entry of this Order Instituting Public Administrative Proceedings

¹ Rule 102(e)(3)(i) provides, in relevant part, that:

The Commission, with due regard to the public interest and without preliminary hearing, may, by order, . . . suspend from appearing or practicing before it any . . . accountant . . . who has been by name . . . permanently enjoined by any court of competent jurisdiction, by reason of his or her misconduct in an action brought by the Commission, from violating or aiding and abetting the violation of any provision of the Federal securities laws or of the rules and regulations thereunder.

Pursuant to Rule 102(e) of the Commission's Rules of Practice, Making Findings, and Imposing Remedial Sanctions ("Order"), as set forth below.

III.

On the basis of this Order and Respondent's Offer, the Commission finds that:

1. Moser served as controller of FTE Networks, Inc. ("FTE"), from April 2017 until May 2019. Moser has never been licensed as a CPA. FTE was, at all relevant times, a Nevada corporation headquartered in New York, New York and Naples, Florida. FTE's common stock was registered with the Commission pursuant to Section 12(b) of the Securities Exchange Act of 1934 ("Exchange Act") and traded on the New York Stock Exchange under the ticker symbol FTNW from December 14, 2017 until December 17, 2019. Prior to that, FTE's common stock was registered with the Commission pursuant to Section 12(g) of the Exchange Act and traded on the OTC Pink marketplace as FTNW. Currently, FTE's common stock is not publicly traded on any exchange nor quoted on the OTC Pink marketplace. However, its common stock remains registered pursuant to Section 12(g) of the Exchange Act.

2. On October 12, 2022, a final judgment was entered against Moser, among other things permanently enjoining him from future violations of Sections 10(b) and 13(b)(5) of the Exchange Act and Rules 10b-5, 13b2-1 and 13b2-2 thereunder, and aiding and abetting violations of Sections 13(a), 13(b)(2)(A) and 13(b)(2)(B) of the Exchange Act and Rules 12b-20, 13a-1 and 13a-13 thereunder, in the civil action entitled Securities and Exchange Commission v. Daniel Moser, Case No. 22-cv-00629, in the United States District Court for the Middle District of Florida.

3. The Commission's complaint alleged, among other things, that Moser, at the direction of the former Chief Executive Officer and Chief Financial Officer of FTE, participated in a fraudulent scheme which resulted in FTE filing materially false and misleading financial statements in the company's annual report on Form 10-K for the fiscal years ended December 31, 2016 and December 31, 2017, and in the company's quarterly reports on Form 10-Q for fiscal year 2017. The Complaint alleged that Moser, among other things, sent documents to FTE's auditor and prepared other documents that falsely recognized and explained fictitious revenue on FTE's books and records.

IV.

In view of the foregoing, the Commission deems it appropriate and in the public interest to impose the sanction agreed to in Respondent Moser's Offer.

Accordingly, it is hereby ORDERED, effective immediately, that:

A. Moser is suspended from appearing or practicing before the Commission as an accountant.

By the Commission.

Vanessa A. Countryman
Secretary