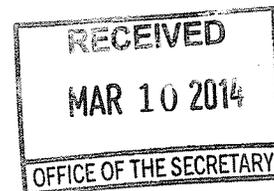


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UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, D.C. 20549

ADMINISTRATIVE PROCEEDING  
File No. 3-15628



In the Matter of

DANIEL IMPERATO,

Respondent.

RESPONSE IN OPPOSITION TO RESPONDENT  
DANIEL IMPERATO'S MOTION FOR  
SUMMARY DISPOSITION

In accordance with the Order entered in this matter on January 10, 2014, the Division of Enforcement ("Division") submits this Response in Opposition to Respondent Daniel Imperato's Motion for Summary Disposition ("Motion") and would respectfully show as follows:

**I. Imperato failed to demonstrate the absence of any genuine issue of material fact that entitles him to summary disposition as a matter of law.**

On the contrary, he admitted key allegations against him in the Order Instituting Proceedings ("OIP"). First, he admitted that a final judgment was entered against him in an Commission civil action, permanently enjoining him from future violations of certain anti-fraud and other provisions of the federal securities laws. Motion at 7; Motion Ex. A at 13. Second, he admitted that, in the Complaint initiating the civil action, the Commission alleged that he engaged in a securities-fraud scheme. Motion at 5; Motion Ex. A at 13, 30.

Given these admissions, it is established that no genuine issue of material fact obtains regarding either allegation. But the lack of any such issue benefits the Division's case, not Imperato's case. Moreover, that he was permanently enjoined for securities-law violations supports the Division's contention that sanctions against him are warranted.

## II. Conclusion

The Hearing Officer should deny Imperato's Motion. Under Rule 250(b) of the Commission's Rules of Practice, the Hearing Officer may grant a motion for summary disposition "if there is no genuine issue with regard to any material fact and the party making the motion is entitled to a summary disposition as a matter of law." 17 C.F.R. § 201.250(b). Imperato's Motion supports summary disposition in the Division's favor. Therefore, he has offered the Hearing Officer no grounds upon which to find that he is entitled to summary disposition as a matter of law.

Respectfully submitted,

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