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FOIA CONFIDENTIAL TREATMENT REQUESTED

June 30, 2023

VIA ELECTRONIC MAIL

Office of FOIA Services
100 F Street NE
Washington, DC 20549-2465
Phone: 202-551-7900
Fax: 202-772-9337
Email: foiapa@sec.gov

Re: Request for Copies of Documents

Dear Sir or Madam:

On behalf of Investor Choice Advocates Network (“ICAN”), the undersigned counsel submits this Freedom of Information Act (“FOIA”) request (the “Request”) for certain documents and information in the possession of the U.S. Securities and Exchange Commission (“SEC”), as follows:

1. All adjudication memoranda and omnibus memoranda identified in Exhibits 1 through 3 to Second Commission Statement Relating to Certain Administrative Adjudications (the “Commission Statement”).¹ Exhibits 1 through 3 are attached to this Request.
2. A list of, or documents sufficient to identify, the “more than 250 current and former [SEC] staff members” interviewed in connection with the “comprehensive internal review”

¹ Press Release, U.S. Securities and Exchange Commission, Second Commission Statement Relating to Certain Administrative Adjudications (June 2, 2023), <https://www.sec.gov/news/statement/second-commission-statement-relating-certain-administrative-adjudications>.

detailed in the Commission Statement, and copies of all final memoranda reflecting those interviews.

ICAN is willing to pay at least \$61 in fees, as applicable. Please contact me with any questions and acknowledge receipt of this Request.

Very truly yours,

/s/ Kurt Wolfe

Kurt Wolfe

Encl.: Exhibit 1 – Case-Specific Memoranda Accessed by Enforcement Staff Relating to Cochran and Jarkesy

Exhibit 2 – Case-Specific Memoranda Accessed by Enforcement Staff Relating to Affected Matters

Exhibit 3 – Omnibus Memoranda

Exhibit 1 – Case-Specific Memoranda Accessed by Enforcement Staff Relating to *Cochran* and *Jarkesy*

	Matter	Nature of recommendation in Adjudication memorandum	Memorandum first made available in OS database	Date ENF administrative staff accessed memorandum	Date ENF staff first emailed memorandum to other ENF staff	Whether memorandum was uploaded to the ENF Centralized Database	Date memorandum was emailed to the NYRO Supervisor	Whether memorandum was uploaded to the NYRO database	Date of Commission vote on the recommended action ¹	Date Commission issued the corresponding order	Whether ENF made a filing between the date memorandum was first made available in OS database and the Commission vote
1	<u>David S. Hall, P.C. d/b/a The Hall Group CPAs, David S. Hall, CPA, Michelle L. Helterbran Cochran, CPA, and Susan A. Cisneros, Admin. Proc. 3-17228 (A.1)</u>	Not applicable – no case-specific memoranda relating to <i>Cochran</i> were accessed. For Omnibus Memoranda accessed by ENF staff that encompassed <i>Cochran</i> , see Exhibits 3 and 4.									
2	<u>John Thomas Capital Mgmt. Grp. LLC d/b/a Patriot28 LLC, and George R. Jarkesy Jr., Admin. Proc. 3-15255 (A.2)</u>	Set the appeal for Commission consideration	2/4/19	2/5/19	2/26/19	Yes	2/26/19	No	2/19/19	2/21/19	No
		Extend time for issuing a decision	1/15/20	1/16/20 ²	1/22/20	Yes	Not applicable	No	1/21/20	1/21/20	No
		Extend time for issuing a decision	2/28/20	3/2/20	3/5/20	Yes	Not applicable	No	3/5/20	3/5/20	No
		Extend time for issuing a decision	3/30/20	3/31/20	4/6/20	Yes	Not applicable	No	4/6/20	4/6/20	No
		Extend time for issuing a decision	5/4/20	5/5/20	5/5/20	Yes	Not applicable	No	5/4/20	5/5/20	No
		Extend time for issuing a decision	6/3/20	6/3/20	6/4/20	No	Not applicable	No	6/4/20	6/5/20	No
		Extend time for issuing a decision	6/29/20	6/29/20	7/6/20	Yes	Not applicable	No	7/1/20	7/6/20	No
		Extend time for issuing a decision	8/3/20	8/5/20	8/5/20	Yes	Not applicable	No	8/4/20	8/5/20	No

¹ Reflects the date the last Commissioner voted on the staff recommendation.

² An OS staff member emailed an Outstanding Seriatim Report to senior staff members in ENF on January 15, 2020 that included a brief description of the action recommended in this memorandum.

Exhibit 1 – Case-Specific Memoranda Accessed by Enforcement Staff Relating to *Cochran* and *Jarkesy*

	Matter	Nature of recommendation in Adjudication memorandum	Memorandum first made available in OS database	Date ENF administrative staff accessed memorandum	Date ENF staff first emailed memorandum to other ENF staff	Whether memorandum was uploaded to the ENF Centralized Database	Date memorandum was emailed to the NYRO Supervisor	Whether memorandum was uploaded to the NYRO database	Date of Commission vote on the recommended action ¹	Date Commission issued the corresponding order	Whether ENF made a filing between the date memorandum was first made available in OS database and the Commission vote
		Issue an opinion and order on appropriate remedies	9/3/20	Between 9/3 and 9/8/20 ³	9/8/20	No	Not applicable	No	9/4/20	9/4/20	No

³ In a few instances, access logs did not reveal the precise date that ENF administrative staff accessed a memorandum. Where, as here, a date range is provided, it reflects the period between the date the Adjudication memorandum was made available in the OS databases and the date the memorandum was emailed to other ENF staff for upload to the Enforcement Centralized Database.

Exhibit 2 – Case-Specific Memoranda Accessed by Enforcement Staff Relating to Affected Matters

	Matter	Nature of recommendation in Adjudication memorandum	Memorandum first made available in OS database	Date ENF administrative staff accessed memorandum	Date ENF staff first emailed memorandum to other ENF staff	Whether memorandum was uploaded to the ENF Centralized Database	Date memorandum was emailed to the NYRO Supervisor	Whether memorandum was uploaded to the NYRO database	Date of Commission vote on the recommended action ¹	Date Commission issued the corresponding order	Whether ENF made a filing between the date memorandum was first made available in OS database and the Commission vote
1	<u>Dominic O’Dierno, Admin Proc. 3-15123 (B.1)</u>	Vacate certain collateral bars ²	8/31/18	9/4/18	9/14/18	Yes	Not applicable	No	9/14/18	9/17/18	No
		Vacate certain collateral bars	3/30/20	3/31/20	4/9/20	Yes	Not applicable	No	4/9/20	4/13/20	No
2	<u>Mark Feathers, Admin. Proc. 3-15755 (B.2)</u>	Remand to ALJ for further proceedings	8/29/19	9/5/19	Not applicable	No	Not applicable	No	Not applicable – withdrawn by Adjudication staff before Commission action	Not applicable	Not applicable
		Remand to ALJ for further proceedings	9/19/19	9/19/19	10/4/19	Yes	Not applicable	No	10/3/19	10/4/19	No
		Decline to exercise authority to seek judicial enforcement of a subpoena	11/13/2020	11/13/20	12/7/20 ³	Yes	Not applicable	No	12/1/20	12/4/20	No
3	<u>The Robare Group, Ltd., Mark L. Robare, and Jack L.</u>	Extend time for issuing a decision	6/1/20	6/2/20 ^{4, 5}	6/4/20	Yes	Not applicable	No	6/4/20	6/5/20	No
		Extend time for issuing a decision	8/4/20	8/5/20	8/6/20	Yes	Not applicable	No	8/6/20	8/7/20	No
		Extend time for issuing a decision	9/30/20	10/1/20	10/5/20	Yes	Not applicable	No	10/5/20	10/6/20	No

¹ Reflects the date the last Commissioner voted on the staff recommendation.

² This memorandum does not relate to the *O’Dierno* matter. It was uploaded to the case file in the Enforcement Centralized Database containing the *O’Dierno* matter, but that case file contained files for multiple different matters.

³ On December 7, 2020, several days after the corresponding Commission order had issued, an administrative staff member emailed this memorandum to the ENF team assigned to investigate and prosecute this matter.

⁴ An ENF staff attorney not assigned to investigate and prosecute this matter accessed this memorandum via one of the OS databases on February 24, 2021.

⁵ An OS staff member emailed an Outstanding Seriatim Report to senior staff members in ENF on June 2, 2020 that included a brief description of the action recommended in this memorandum.

Exhibit 2 – Case-Specific Memoranda Accessed by Enforcement Staff Relating to Affected Matters

	Matter	Nature of recommendation in Adjudication memorandum	Memorandum first made available in OS database	Date ENF administrative staff accessed memorandum	Date ENF staff first emailed memorandum to other ENF staff	Whether memorandum was uploaded to the ENF Centralized Database	Date memorandum was emailed to the NYRO Supervisor	Whether memorandum was uploaded to the NYRO database	Date of Commission vote on the recommended action ¹	Date Commission issued the corresponding order	Whether ENF made a filing between the date memorandum was first made available in OS database and the Commission vote
	<u>Jones, Jr., Admin. Proc. 3-16047 (B.3)</u>	Extend time for issuing a decision	12/4/20	12/7/20	12/7/20	Yes	Not applicable	No	12/7/20	12/7/20	No
		Extend time for issuing a decision	1/5/21	1/6/21	1/6/21	Yes	Not applicable	No	1/6/21	1/6/21	No
		Extend time for issuing a decision	2/4/21	Between 2/4 and 2/5/21 ⁶	2/5/21	Yes	Not applicable	No	2/4/21	2/5/21	No
		Extend time for issuing a decision	2/17/21	2/18/21	2/19/21	No	Not applicable	No	2/19/21	2/19/21	No
		Extend time for issuing a decision	3/4/21	3/4/21	3/5/21	No	Not applicable	No	3/5/21	3/5/21	No
		Extend time for issuing a decision	3/17/21	3/18/21	3/18/21	Yes	Not applicable	No	3/18/21	3/19/21	No
		Extend time for issuing a decision	4/1/21	Between 4/1 and 4/2/21 ⁷	4/2/21	Yes	Not applicable	No	4/1/21	4/2/21	No
		Extend time for issuing a decision	4/14/21	4/15/21	4/15/21	Yes	Not applicable	No	4/15/21	4/16/21	No
		Extend time for issuing a decision	5/12/21	5/17/21	5/17/21	No	Not applicable	No	5/14/21	5/17/21	No
		Extend time for issuing a decision	6/14/21	6/15/21	6/17/21	Yes	Not applicable	No	6/16/21	6/16/21	No
		Extend time for issuing a decision	7/13/21	7/14/21	7/15/21	No	Not applicable	No	7/14/21	7/15/21	No
		Extend time for issuing a decision	8/12/21	Between 8/12 and 8/17/21 ⁸	8/17/21	No	Not applicable	No	8/16/21	8/17/21	No
4	<u>Laurie Bebo and John Buono, CPA, Admin.</u>	Issue briefing schedule	1/8/2021	1/11/2021	1/25/2021	Yes	Not applicable	No	1/22/2021	1/25/2021	No

⁶ In a few instances, access logs did not reveal the precise date that ENF administrative staff accessed a memorandum. Where, as here, a date range is provided, it reflects the period between the date the Adjudication memorandum was made available in the OS database and the date the memorandum was emailed to other ENF staff for upload to the Enforcement Centralized Database.

⁷ See note 6 above.

⁸ See note 6 above.

Exhibit 2 – Case-Specific Memoranda Accessed by Enforcement Staff Relating to Affected Matters

	Matter	Nature of recommendation in Adjudication memorandum	Memorandum first made available in OS database	Date ENF administrative staff accessed memorandum	Date ENF staff first emailed memorandum to other ENF staff	Whether memorandum was uploaded to the ENF Centralized Database	Date memorandum was emailed to the NYRO Supervisor	Whether memorandum was uploaded to the NYRO database	Date of Commission vote on the recommended action ¹	Date Commission issued the corresponding order	Whether ENF made a filing between the date memorandum was first made available in OS database and the Commission vote
	Proc. 3-16293 (B.4)										
5	Michael W. Crow, Alexander S. Clug, Aurum Mining, LLC, PanAm Terra, Inc., and The Corsair Group, Inc., Admin. Proc. 3-16318 (B.5)	Extend time for issuing a decision	12/11/19	12/12/19	12/17/19	No	12/17/19	No	12/16/19	12/16/19	No
		Extend time for issuing a decision	1/8/20	1/9/20	1/15/20	No	1/15/20	No	1/14/20	1/15/20	No
		Extend time for issuing a decision	2/13/20	2/14/20	2/18/20	Yes	Not applicable	No	2/14/20	2/14/20	No
		Extend time for issuing a decision	3/9/20	3/10/20	3/17/20	No	Not applicable	No	3/16/20	3/16/20	No
		Extend time for issuing a decision	4/13/20	4/14/20	4/14/20	Yes	Not applicable	No	4/14/20	4/14/20	No
		Extend time for issuing a decision	5/7/20	5/11/20 ⁹	5/12/20	Yes	Not applicable	No	5/12/20	5/14/20	No
		Extend time for issuing a decision	6/9/20	Between 6/9/20 and 6/10/20 ¹⁰	6/10/20	No	Not applicable	No	6/10/20	6/12/20	No
		Extend time for issuing a decision	7/10/20	7/10/20	7/16/20	No	Not applicable	No	7/15/20	7/15/20	No
		Extend time for issuing a decision	8/13/20	8/13/20	8/14/20	No	Not applicable	No	8/13/20	8/14/20	No
		Extend time for issuing a decision	9/11/20	9/11/20	9/11/20	No	Not applicable	No	9/11/20	9/14/20	No
		Extend time for issuing a decision	9/22/20	9/23/20	9/25/20	Yes	Not applicable	No	9/25/20	9/29/20	No
		Extend time for issuing a decision	10/7/20	10/8/20	10/8/20	No	Not applicable	No	10/8/20	10/9/20	No
		Extend time for issuing a decision	10/23/20	10/26/20	10/27/20	Yes	Not applicable	No	10/26/20	10/26/20	No
		Issue an opinion and order on appropriate remedies	11/6/20	Between 11/6 and 11/10/20 ¹¹	11/10/20	No	Not applicable	No	11/9/20	11/9/20	No

⁹ An OS staff member emailed an Outstanding Seriatim Report to senior staff members in ENF on May 12, 2020 that included a brief description of the action recommended in this memorandum.

¹⁰ See note 6 above.

¹¹ See note 6 above.

Exhibit 2 – Case-Specific Memoranda Accessed by Enforcement Staff Relating to Affected Matters

	Matter	Nature of recommendation in Adjudication memorandum	Memorandum first made available in OS database	Date ENF administrative staff accessed memorandum	Date ENF staff first emailed memorandum to other ENF staff	Whether memorandum was uploaded to the ENF Centralized Database	Date memorandum was emailed to the NYRO Supervisor	Whether memorandum was uploaded to the NYRO database	Date of Commission vote on the recommended action ¹	Date Commission issued the corresponding order	Whether ENF made a filing between the date memorandum was first made available in OS database and the Commission vote
6	<u>Traci J. Anderson, CPA, Timothy W. Carnahan and CYIOS Corporation, Admin. Proc. 3-16386 (B.6)</u>	Deny ENF’s motion for summary affirmance; grant respondents’ petition for review; and set a briefing schedule	1/11/21	1/12/21 ¹²	1/25/21	Yes	Not applicable	No	1/22/21	1/25/21	No
7	<u>Edward M. Daspin, a/k/a “Edward (Ed) Michael,” Luigi</u>	Extend time for ALJ to file an initial decision	2/1/16	Not applicable – not accessed	Not applicable	No	Not applicable	No	2/16/16	2/18/16	Yes ¹³
		Deny respondent’s request for reconsideration and related motions	2/7/18	2/8/18	2/12/18 ¹⁴	Yes	Not applicable	No	2/22/18 ¹⁵	3/8/18	Yes ¹⁶

¹² An ENF supervisory accountant not assigned to investigate and prosecute this matter accessed this memorandum via the ENF Centralized Database on June 14, 2021.

¹³ This memorandum was not accessed by ENF. An OS staff member emailed Outstanding Seriatim Reports to senior staff members in ENF on February 3, 2016 and February 10, 2016. Those reports included a brief description of Adjudication staff’s recommendation described in this memorandum. ENF staff made five filings between February 1, 2016 and February 18, 2016: (1) a letter updating the ALJ about preparations for a 2/11/16 hearing and requesting the issuance of subpoenas with attached Exhibits A-B and subpoenas, filed 2/4/16; (2) a Memorandum of Law in Opposition to Respondent Edward Daspin’s and Joan Daspin’s Objection to, and Motion to Quash, Various Subpoenas for Medical Records and Testimony, filed 2/10/16; (3) a Memorandum of Law in Opposition to Carrier Clinic’s Motion to Quash or Modify Subpoena, filed 2/10/16; (4) a letter to Custodian of Records Carrier Clinic regarding a subpoena to produce documents by 2/5/16, or at latest by 2/8/16, filed 2/10/16; and (5) Exhibits, filed 2/12/16.

¹⁴ ENF administrative staff generally did not email Adjudication memoranda to other administrative staff until after the Commission had voted on the recommended action. In this instance, however, administrative staff inadvertently emailed this Adjudication memorandum before the Commission vote on the recommended action while attempting to email an Enforcement memorandum to other Enforcement administrative staff.

¹⁵ The order was modified between the Commission vote on February 22, 2018 and the date the order was publicly issued on March 8, 2018.

¹⁶ ENF made three filings between February 7, 2018 and March 8, 2018: (1) a letter to the ALJ opposing Respondent Daspin’s request for a one-week stay, filed 2/9/18; (2) a letter to the ALJ responding to Respondent Daspin’s letter to the ALJ requesting a 10 day extension of time to file a motion, filed 2/28/18; and (3) an Opposition to Daspin’s Rule 111(h) Motion, filed 3/6/18.

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	<u>Agostini and Lawrence R. Lux, Admin. Proc. 3-16509 (B.7)</u>	Deny respondent’s petition for interlocutory review	6/11/19	6/12/19	6/26/19	No	6/28/2019	Yes	6/25/19	6/28/19	Yes ¹⁷
		Deny respondent’s request for documents	7/20/20	7/21/21 ¹⁸	8/5/20	No	8/5/2020	No	7/30/20	8/3/20	No
		Extend time for issuing a decision	6/10/21	6/22/21	Not applicable	No	Not applicable	No	6/25/21	Not applicable	No
		Extend time for issuing a decision	8/11/21	8/11/21	8/17/21	Yes	Not applicable	No	8/13/21	8/23/21	No
8	<u>Charles R. Kokes, Admin. Proc. 3-16517 (B.8)</u>	Modify sanctions and provide notice that initial decision, as modified, has become final	3/24/21	3/25/21	4/9/21	Yes	Not applicable	No	Not applicable – withdrawn by Adjudication staff before Commission action	Not applicable	Not applicable
		Issue briefing order	5/17/21	5/17/21	5/26/21	Yes	Not applicable	No	5/25/21	5/26/21	No
		Issue an opinion and order on appropriate remedies	8/17/21	8/18/21	Not applicable	No	Not applicable	No	Not applicable – withdrawn by Adjudication staff before Commission action	Not applicable	Not applicable
9		Deny respondent’s motion to stay administrative proceeding	4/14/17	4/25/17	Not applicable	No	Not applicable	No	4/20/17	4/21/17	Yes ¹⁹

¹⁷ ENF made one filing between June 11, 2019 and June 28, 2019: a letter dated 6/12/2019 providing the ALJ with electronic copies of the exhibits ENF introduced into evidence, filed 6/13/19.

¹⁸ An OS staff member emailed Outstanding Seriatim Reports to senior staff members in ENF on July 21, 2020 and July 28, 2020 that included a brief description of the action recommended in this memorandum.

¹⁹ ENF made one filing between April 14, 2017 and April 21, 2017: a Reply in Support of Motion to Strike Respondent’s Opening Brief, filed 4/17/17.

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	<u>Christopher M. Gibson, Admin. Proc. 3-17184 (B.9)</u>	Strike opening brief and modify briefing schedule	4/25/17	5/12/17	Not applicable	No	Not applicable	No	5/10/17	5/11/17	No
		Extend time for issuing a decision	5/13/21	5/17/21	5/17/21	Yes	Not applicable	No	5/14/21	5/17/21	No
		Extend time for issuing a decision	8/11/21	8/11/21	8/17/21	Yes	Not applicable	No	8/13/21	8/16/21	No
10	<u>James A. Winkelmann, Sr., and Blue Ocean Portfolios LLC, Admin. Proc. 3-17253 (B.10)</u>	Deny respondents' motion for summary affirmance; grant the parties' petitions for review; and set a briefing schedule	6/18/19	6/19/19 ²⁰	7/8/19	Yes	Not applicable	No	7/1/19	7/2/19	No
		Extend time for issuing a decision	8/11/20	8/13/20	8/14/20	Yes	Not applicable	No	8/13/20	8/14/20	No
		Extend time for issuing a decision	11/10/20	11/12/20	11/16/20	Yes	Not applicable	No	11/12/20	11/13/20	No
		Extend time for issuing a decision	2/10/21	Between 2/10 and 2/16/21 ²¹	2/16/21	Yes	Not applicable	No	2/15/21	2/16/21	No
		Extend time for issuing a decision	4/16/21	4/19/21	4/22/21	Yes	Not applicable	No	4/20/21	4/21/21	Yes ²²
		Extend time for issuing a decision	6/14/21	6/15/21	6/21/21	Yes	Not applicable	No	6/17/21	6/21/21	No
		Extend time for issuing a decision	7/13/21	7/14/21	7/19/21	Yes	Not applicable	No	7/16/21	7/19/21	No
		Extend time for issuing a decision	8/16/21	8/18/21	8/20/21	No	Not applicable	No	8/20/21	8/18/21 ²³	No
		Extend time for issuing a decision	9/14/21	9/15/21	Not applicable	No	Not applicable	No	9/17/21	9/17/21	No

²⁰ An OS staff member emailed Outstanding Seriatim Reports to senior staff members in ENF on June 19, 2019 and June 26, 2019 that included a brief description of the action recommended in this memorandum.

²¹ See note 6 above.

²² ENF made one filing between April 16, 2021 and April 21, 2021: a Supplemental Notice of Appearance of David F. Benson, filed 4/16/21.

²³ A majority of the Commissioners voted to approve the recommendation by August 17, 2021. The corresponding order was issued the following day, although the last vote to approve the recommendation was not entered until August 20, 2021. See record of votes at <https://www.sec.gov/about/commission-votes/annual/commission-votes-ap-2021.xml>.

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		Extend time for issuing a decision	9/22/21	9/23/21	Not applicable	No	Not applicable	No	9/24/21	9/24/21	No
11	<i>Saving2Retire, LLC, and Marian P. Young, Admin. Proc. 3-17352 (B.11)</i>	Extend time for issuing a decision	10/15/20	10/16/20 ²⁴	10/16/20	Yes	Not applicable	No	10/16/20	10/16/20	No
		Extend time for issuing a decision	1/8/21	1/11/21	1/13/21	Yes	Not applicable	No	1/13/21	1/14/21	No
		Extend time for issuing a decision	4/7/21	4/7/21	4/14/21	Yes	Not applicable	No	4/14/21	4/14/21	No
		Extend time for issuing a decision	7/8/21	7/9/21	7/9/21	Yes	Not applicable	No	7/9/21	7/9/21	No
12	<i>Digital Brand Media & Marketing Group, Inc. and Intellicell Biosciences, Inc., Admin. Proc. 3-17990 (B.12)</i>	Dismiss certain proceedings ²⁵	8/11/20	8/13/20	8/25/20	Yes	Not applicable	No	8/25/20	8/26/20	No
		Deny respondent’s motion for summary affirmance; grant ENF’s petition for review; and set a briefing schedule	1/13/21	1/13/21	1/25/21	Yes	Not applicable	No	1/22/21	1/25/21	No
13	<i>American Locker Group, Inc., Intreorg Systems, Inc., and Pegasi Energy Resources Corp.,</i>	Issue opinions and orders as to certain respondents in default	6/26/19 ²⁶	7/11/19	7/11/19	Yes	Not applicable	No	7/11/19	7/12/19	No

²⁴ An ENF trial attorney not assigned to investigate and prosecute this matter accessed this memorandum via the ENF Centralized Database on July 13, 2021.

²⁵ This memorandum was uploaded to the Enforcement Centralized Database case file containing the *Digital Brand Media* matter; that case file contained the files of multiple matters. The memorandum does not relate to the *Digital Brand Media* matter.

²⁶ An OS staff member emailed Outstanding Seriatim Reports to senior staff members in ENF on July 3, 2019 and July 9, 2019 that included a brief description of the action recommended in this memorandum.

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	Admin. Proc. 3-18733 (B.13)										
14	Royal B.Y. Investment Mgmt. LLC, Inc., Toda International Holdings Inc., Westpoint Energy, Inc., and 360 Global Investments (f/k/a 360 Global Wine Co.), Admin. Proc. 3-18746 (B.14)	Issue opinions and orders as to certain respondents in default	5/31/19	Between 5/31 and 6/17/19 ²⁷	6/17/19	Yes	Not applicable	No	6/14/19	6/24/19	Yes ²⁸
		Issue opinions and orders as to certain respondents in default	9/3/19	9/5/19 ²⁹	9/18/19	Yes	Not applicable	No	9/17/19	9/19/19	No
15	Joseph S. Amundsen, Michael T. Remus, and Michael Remus CPA, Admin.	Set the matter for a hearing before an ALJ	4/11/19	4/12/19	4/25/19	No	4/29/19	Yes	4/24/19	4/25/19	Yes ³⁰
		Extend time for issuing a decision	1/28/21	1/29/21	2/3/21	No	Not applicable	No	2/2/21	2/3/21	No
		Extend time for issuing a decision	4/27/21	4/29/21	5/3/21	Yes	Not applicable	No	5/3/21	5/4/21	Yes ³¹
		Extend time for issuing a decision	7/21/21	7/21/21	Not applicable	No	Not applicable	No	7/23/21	8/2/21	No

²⁷ See note 6 above.

²⁸ ENF made one filing between May 31, 2019 and June 24, 2021: a Declaration of David S. Frye Reporting on Status of Service on Respondent Toda International Holdings, Inc., filed 6/6/19.

²⁹ An OS staff member emailed Outstanding Seriatim Reports to senior staff members in ENF on September 5, 2019 and September 12, 2019 that included a brief description of the action recommended in this memorandum.

³⁰ ENF made one filing between April 11, 2019 and April 25, 2019: a Notice of Deposition for Michael T. Remus; Request for Issuance of Subpoenas Duces Tecum, filed 4/23/19.

³¹ ENF made one filing between April 27, 2021 and May 4, 2021: a Certificate of Service, filed 4/27/21.

Exhibit 2 – Case-Specific Memoranda Accessed by Enforcement Staff Relating to Affected Matters

	Matter	Nature of recommendation in Adjudication memorandum	Memorandum first made available in OS database	Date ENF administrative staff accessed memorandum	Date ENF staff first emailed memorandum to other ENF staff	Whether memorandum was uploaded to the ENF Centralized Database	Date memorandum was emailed to the NYRO Supervisor	Whether memorandum was uploaded to the NYRO database	Date of Commission vote on the recommended action ¹	Date Commission issued the corresponding order	Whether ENF made a filing between the date memorandum was first made available in OS database and the Commission vote
	Proc. 3-18994 (B.15)										
16	Matthew R. Rossi and SJL Capital, LLC, Admin. Proc. 3-19145 (B.16)	Grant respondent’s request for a protective order	2/10/20	2/12/20	2/25/20	Yes	Not applicable	No	2/24/20	2/25/20	No
		Extend time for issuing a decision	12/14/20	12/15/20	12/22/20	Yes	Not applicable	No	12/21/20	12/22/20	No
		Extend time for issuing a decision	3/17/21	3/17/21	3/22/21	Yes	Not applicable	No	3/22/21	3/22/21	No
		Extend time for issuing a decision	6/14/21	6/15/21	6/21/21	Yes	Not applicable	No	6/17/21	6/21/21	No
17	ERHC Energy, Inc. and IDriven, Inc., Admin. Proc. 3-19419 (B.17)	Deny ENF’s motion for ruling on the pleadings	11/13/20	11/13/20	11/23/20	Yes	Not applicable	No	11/23/20	11/24/20	No
		Issue opinions and orders as to certain respondents in default	12/16/20	12/17/20	1/4/21	Yes	Not applicable	No	12/30/20	1/7/21	No
18	Genoil, Inc. and SAMEX Mining Corp., Admin. Proc. 3-19661 (B.18)	Issue opinions and orders as to certain respondents in default	8/17/21	8/18/21	8/31/21 ³²	Yes	Not applicable	No	8/30/21	9/10/21	No
19	Barton W. Stuck, Admin. Proc. 3-19685 (B.19)	Issue opinion and order as to a respondent in default	9/13/21	9/14/21	Not applicable	No	Not applicable	No	9/28/21	Not applicable – not issued	Not applicable – not issued

³² On August 31, 2021, an administrative staff member emailed this memorandum, which addressed this matter and several others noted below, to an ENF supervisor who was not assigned to the matter. Later that same day, the administrative staff member forwarded the email enclosing the memorandum to two ENF staff attorneys who were not assigned to the matter.

Exhibit 2 – Case-Specific Memoranda Accessed by Enforcement Staff Relating to Affected Matters

	Matter	Nature of recommendation in Adjudication memorandum	Memorandum first made available in OS database	Date ENF administrative staff accessed memorandum	Date ENF staff first emailed memorandum to other ENF staff	Whether memorandum was uploaded to the ENF Centralized Database	Date memorandum was emailed to the NYRO Supervisor	Whether memorandum was uploaded to the NYRO database	Date of Commission vote on the recommended action ¹	Date Commission issued the corresponding order	Whether ENF made a filing between the date memorandum was first made available in OS database and the Commission vote
20	EliteSoft Global Inc. and Capital Access Point I, Inc., Admin. Proc. 3-19868 (B.20)	Issue opinions and orders as to certain respondents in default	5/26/21	5/27/21	6/9/21	Yes	Not applicable	No	6/9/21	6/23/21	No
21	MJ Biotech, Inc. (f/k/a Michael James Enterprises, Inc.), Admin. Proc. 3-20297 (B.21)	Issue opinions and orders as to certain respondents in default	8/17/21	8/18/21	8/31/21 ³³	Yes	Not applicable	No	8/30/21	9/3/21	No
22	Spectrascience, Inc., Admin. Proc. 3-20308 (B.22)	Issue opinions and orders as to respondents in default ³⁴	8/17/21	8/18/21	8/31/21 ³⁵	Yes	Not applicable	No	8/30/21	9/3/21	No
		Issue opinions and orders as to respondents in default	9/14/21	9/15/21	Not applicable	No	Not applicable	No	9/28/21	Not applicable – not issued ³⁶	Not applicable – not issued

³³ See note 32 above.

³⁴ This memorandum was uploaded to the Enforcement Centralized Database case file containing the *SpectraScience* matter; that case file contained the files of multiple matters. The memorandum does not relate to the *SpectraScience* matter.

³⁵ See note 32 above.

³⁶ The recommendation was approved by the Commission, but the corresponding Commission order has not issued.

Exhibit 2 – Case-Specific Memoranda Accessed by Enforcement Staff Relating to Affected Matters

	Matter	Nature of recommendation in Adjudication memorandum	Memorandum first made available in OS database	Date ENF administrative staff accessed memorandum	Date ENF staff first emailed memorandum to other ENF staff	Whether memorandum was uploaded to the ENF Centralized Database	Date memorandum was emailed to the NYRO Supervisor	Whether memorandum was uploaded to the NYRO database	Date of Commission vote on the recommended action ¹	Date Commission issued the corresponding order	Whether ENF made a filing between the date memorandum was first made available in OS database and the Commission vote
23	UBI Blockchain Internet Ltd., Admin. Proc. 3-20309 (B.23)	Issue opinions and orders as to respondents in default ³⁷	8/17/21	8/18/21	8/31/21 ³⁸	Yes	Not applicable	No	8/30/21	9/3/21	No
		Issue opinions and orders as to respondents in default	9/14/21	9/15/21	Not applicable	No	Not applicable	No	9/28/21	Not applicable – not issued ³⁹	Not applicable – not issued
24	Traqer Corp., Admin. Proc. 3-20312 (B.24)	Issue opinions and orders as to respondents in default ⁴⁰	8/17/21	8/18/21	8/31/21 ⁴¹	Yes	Not applicable	No	8/30/21	9/3/21	No
		Issue opinions and orders as to respondents in default	9/14/21	9/15/21	Not applicable	No	Not applicable	No	9/28/21	Not applicable – not issued ⁴²	Not applicable – not issued
25	Rystar Communications Ltd., Admin. Proc. 3-20344 (B.25)	Issue opinions and orders as to respondents in default ⁴³	8/17/21	8/18/21	8/31/21 ⁴⁴	Yes	Not applicable	No	8/30/21	9/3/21	No
		Issue opinions and orders as to respondents in default	9/14/21	9/15/21	Not applicable	No	Not applicable	No	9/28/21	Not applicable – not issued ⁴⁵	Not applicable – not issued

³⁷ This memorandum was uploaded to the Enforcement Centralized Database case file containing the *UBI Blockchain* matter; that case file contained the files of multiple matters. The memorandum does not relate to the *UBI Blockchain* matter.

³⁸ See note 32 above.

³⁹ The recommendation was approved by the Commission, but the corresponding Commission order has not issued.

⁴⁰ This memorandum was uploaded to the Enforcement Centralized Database case file containing the *Traqer* matter; that case file contained the files of multiple matters. The memorandum does not relate to the *Traqer* matter.

⁴¹ See note 32 above.

⁴² The Recommendation was approved by the Commission, but the corresponding Commission order has not issued.

⁴³ This memorandum was uploaded to the Enforcement Centralized Database case file containing the *Rystar* matter; that case file contained the files of multiple matters. The memorandum does not relate to the *Rystar* matter.

⁴⁴ See note 32 above.

⁴⁵ The recommendation was approved by the Commission, but the corresponding Commission order has not issued.

Exhibit 2 – Case-Specific Memoranda Accessed by Enforcement Staff Relating to Affected Matters

	Matter	Nature of recommendation in Adjudication memorandum	Memorandum first made available in OS database	Date ENF administrative staff accessed memorandum	Date ENF staff first emailed memorandum to other ENF staff	Whether memorandum was uploaded to the ENF Centralized Database	Date memorandum was emailed to the NYRO Supervisor	Whether memorandum was uploaded to the NYRO database	Date of Commission vote on the recommended action ¹	Date Commission issued the corresponding order	Whether ENF made a filing between the date memorandum was first made available in OS database and the Commission vote
26	<i>Spongetech Delivery Systems, Inc., Admin. Proc. 3-20345 (B.26)</i>	Issue opinions and orders as to respondents in default ⁴⁶	8/17/21	8/18/21	8/31/21 ⁴⁷	Yes	Not applicable	No	8/30/21	9/3/21	No
		Adopt opinions and orders as to respondents in default	9/14/21	9/15/21	Not applicable	No	Not applicable	No	9/28/21	Not applicable – not issued ⁴⁸	Not applicable – not issued
27	<i>Globesat Holding Corp., Admin. Proc. 3-20355 (B.27)</i>	Issue opinions and orders as to respondents in default ⁴⁹	8/17/21	8/18/21	8/31/21 ⁵⁰	Yes	Not applicable	No	8/30/21	9/3/21	No
		Issue opinions and orders as to respondents in default	9/14/21	9/15/21	Not applicable	No	Not applicable	No	9/28/21	Not applicable – not issued ⁵¹	Not applicable – not issued
28	<i>Golden Goliath Resources Ltd.,</i>	Issue opinions and orders as to respondents in default ⁵²	8/17/21	8/18/21	8/31/21 ⁵³	Yes	Not applicable	No	8/30/21	9/3/21	No

⁴⁶ This memorandum was uploaded to the Enforcement Centralized Database case file containing the *Spongetech Deliver Systems* matter; that case file contained the files of multiple matters. The memorandum does not relate to the *Spongetech Deliver Systems* matter.

⁴⁷ See note 32 above.

⁴⁸ The recommendation was approved by the Commission, but the corresponding Commission order has not issued.

⁴⁹ This memorandum was uploaded to the Enforcement Centralized Database case file containing the *Globesat Holding* matter; that case file contained the files of multiple matters. The memorandum does not relate to the *Globesat Holding* matter.

⁵⁰ See note 32 above.

⁵¹ The recommendation was approved by the Commission, but the corresponding Commission order has not issued.

⁵² This memorandum was uploaded to the Enforcement Centralized Database case file containing the *Golden Goliath* matter; that case file contained the files of multiple matters. The memorandum does not relate to the *Golden Goliath* matter.

⁵³ See note 32 above.

Exhibit 2 – Case-Specific Memoranda Accessed by Enforcement Staff Relating to Affected Matters

	Matter	Nature of recommendation in Adjudication memorandum	Memorandum first made available in OS database	Date ENF administrative staff accessed memorandum	Date ENF staff first emailed memorandum to other ENF staff	Whether memorandum was uploaded to the ENF Centralized Database	Date memorandum was emailed to the NYRO Supervisor	Whether memorandum was uploaded to the NYRO database	Date of Commission vote on the recommended action ¹	Date Commission issued the corresponding order	Whether ENF made a filing between the date memorandum was first made available in OS database and the Commission vote
	Admin Proc. 3-20356 (B.28)	Issue opinions and orders as to respondents in default	9/14/21	9/15/21	Not applicable	No	Not applicable	No	9/28/21	Not applicable – not issued ⁵⁴	Not applicable – not issued

⁵⁴ The recommendation was approved by the Commission, but the corresponding Commission order has not yet issued.

Exhibit 3 – Omnibus Memoranda

	Matters affected by the Omnibus Memorandum	Nature of the recommendation in the Adjudication Memorandum	Memorandum first made available in OS database	Date ENF administrative staff accessed memorandum	Date ENF staff first emailed memorandum to other ENF staff	Whether memorandum was uploaded to the ENF Centralized Database	Date of Commission vote on the recommended action ¹	Date Commission issued the corresponding order
1	All administrative proceedings pending before the Commission on review of an ALJ initial decision in which a respondent would be able to seek review of a final order of the Commission in the Tenth Circuit	Stay the matters described in light of the Tenth Circuit’s denial of rehearing en banc in <i>Bandimere v. SEC</i> Link to the corresponding order	5/17/17	5/23/17	Not applicable	No	5/22/17	5/22/17
2	All administrative proceedings pending either before an ALJ in which no initial decision had yet been issued or before the Commission in which an ALJ had issued an initial decision	Ratify ALJ appointments; direct ALJs to reconsider and reopen the record to determine whether to ratify actions in open proceedings; remand matters in which an ALJ initial decision was issued, to allow ALJs to reopen and reconsider the record; and lift the stay on matters described Link to the corresponding order	11/29/17	12/1/17 ²	12/1/17 ³	Yes ⁴	11/30/17	11/30/17
3	All administrative proceedings that were remanded to an ALJ as part of the Commission’s November 30, 2017 order where, prior to that order, an initial decision had been issued and petition for review had not been filed	Modify certain deadlines and specify further procedures in the matters described [No corresponding order – recommendation withdrawn on 6/21/18 before Commission vote]	6/11/18	6/12/18	Not applicable	No	Not applicable	Not applicable
4	All pending administrative proceedings initiated by an order instituting proceedings that set the matter for a hearing before an ALJ	Stay the matters described in light of the Supreme Court’s decision in <i>Lucia v. SEC</i> Link to the corresponding order	6/21/18	6/26/18	Not applicable	No	6/21/18	6/21/18
5	All pending administrative proceedings initiated by an order instituting proceedings that set the matter for a hearing before an ALJ	Extend the stay issued on 6/21/18 in light of the Supreme Court’s decision in <i>Lucia v. SEC</i> Link to the corresponding order	7/18/18	7/19/18	Not applicable	No	7/19/18	7/20/18

¹ Reflects the date the last Commissioner voted on the staff recommendation.

² An ENF supervisory accountant and a trial attorney, neither of whom were assigned to this matter, accessed this memorandum via the ENF Centralized Database on April 12, 2019 and February 18, 2020, respectively.

³ On December 6, 2017, an administrative staff member emailed this memorandum to an ENF supervisor in the Chicago Regional Office who was not assigned to the matter.

⁴ This memorandum was uploaded to the following case files: (1) *David S. Hall, P.C. d/b/a The Hall Group CPAs, David S. Hall, CPA, Michelle L. Helterbran Cochran, CPA, and Susan A. Cisneros*, Admin. Proc. 3-17228, (2) *Laurie Bebo and John Buono, CPA*, Admin. Proc. 3-16293, (3) *Traci J. Anderson, CPA, Timothy W. Carnahan and CYIOS Corporation*, Admin. Proc. 3-16386, (4) *James A. Winkelmann, Sr., and Blue Ocean Portfolios LLC*, Admin. Proc. 3-17253, and (5) *Saving2Retire, LLC, and Marian P. Young*, Admin. Proc. 3-17352.

Exhibit 3 – Omnibus Memoranda

	Matters affected by the Omnibus Memorandum	Nature of the recommendation in the Adjudication Memorandum	Memorandum first made available in OS database	Date ENF administrative staff accessed memorandum	Date ENF staff first emailed memorandum to other ENF staff	Whether memorandum was uploaded to the ENF Centralized Database	Date of Commission vote on the recommended action ¹	Date Commission issued the corresponding order
6	All pending administrative proceedings initiated by an order instituting proceedings that set the matter for a hearing before an ALJ	Allow the stay issued on 6/21/18 (and extended on 7/20/18) to expire and specify the course of further proceedings in the matters described in light of the Supreme Court’s decision in <i>Lucia v. SEC</i> Link to the corresponding order	8/21/18	8/22/18	Not applicable	No	8/22/18	8/22/18
7	All pending administrative proceedings initiated by an order instituting proceedings that set the matter for a hearing before either an ALJ or the Commission	Stay the matters described, due to a lapse in appropriations Link to the corresponding order	1/15/19	1/28/19	Not applicable	No	1/16/19	1/16/19
8	All pending administrative proceedings initiated by an order instituting proceedings that set the matter for a hearing before either an ALJ or the Commission	Lift the stay imposed on 1/16/2019 due to a lapse in appropriations Link to the corresponding order	1/29/19	1/30/19	Not applicable	No	1/30/19	1/30/19