

**UNITED STATES OF AMERICA**  
**Before the**  
**SECURITIES AND EXCHANGE COMMISSION**

**SECURITIES ACT OF 1933**  
**Release No. 11134 / November 18, 2022**

**ADMINISTRATIVE PROCEEDING**  
**File No. 3-21243**

<p><b>In the Matter of</b></p> <p><b>The Registration Statement of American</b></p> <p><b>CryptoFed DAO LLC,</b></p> <p><b>Respondent.</b></p>
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**MOTION TO REQUEST**  
**CLARIFICATION ON AUTHORIZED**  
**DECISION MAKER AND TIMELY**  
**DECISION REGARDING MOTION FOR**  
**TIME SCHEDULE EXTENSION**

The Securities and Exchange Commission (“SEC” or “Commission”) instituted this proceeding with an Order Instituting Proceedings (OIP) on November 18, 2022. The OIP ordered American CryptoFed DAO LLC (“American CryptoFed”) to file an Answer within ten days after service of the OIP and ordered that a hearing before Administrative Law Judge Carol Fox Foelak commence at 10:00 a.m. EST on December 1, 2022.

Since November 20, 2022, one business day after receiving the service on Friday, November 18, 2022, American CryptoFed has communicated to the Division of Enforcement (“Division”) that there is no urgency and no emergency in this matter, given that there should be no possible damage to anyone, because, i) “Respondent’s Registration Statement is pending and is not yet effective” (OIP at p.1), and ii) it is an undisputable fact that American CryptoFed’s Form S-1 Registration Statement filing includes a “delaying amendment”. (*see* Exhibit 1, p.1-2). The Division did not oppose this non-emergency and non-urgency statement of American

CryptoFed. In the Division's November 23, 2022 email attached as Exhibit 2 ("November 23, 2022 Email"), the Division was unable to answer American CryptoFed's first two key questions cited below:

**Question 1:** With the delaying amendment in effect, can you in good faith provide us with any substantial reasons, to justify "the expedited nature of these proceedings" and "the expedited schedule"? (*see* Exhibit 1, p.2).

**Question 2:** Can you provide us with any substantial reasons, in good faith, to explain whether the Division of Enforcement will be substantially prejudiced, if the current schedule, including the time extension of the scheduled date of the public hearing (December 1, 2022), the prehearing date (November 29, 2022) and the due date to file an Answer to the OIP (November 28, 2022) is extended? (*see* Exhibit 1, p.3).

As a result, on November 23, 2022, within four (4) business days, American CryptoFed filed its MOTION TO EXTEND THE THREE SCHEDULES OF THE PUBLIC HEARING, THE PREHEARING CONFERENCE AND FILING AN ANSWER TO THE ORDER INSTITUTING ADMINISTRATIVE PROCEEDINGS PURSUANT TO SECTION 8(d) OF THE SECURITIES ACT OF 1933 ("Motion to Extend Schedule") to respectfully request Judge Foelak to approve the schedule extension proposal.

Both the Division and American CryptoFed truly believed that Judge Foelak has the authority to make a decision on the schedule extension proposal, because in its November 23, 2022 Email (*see* Exhibit 2), the Division stated the following :

As I said yesterday, American CryptoFed should **file a motion with Judge Foelak** explaining the legal and factual basis for its request to postpone these dates.(Emphasis added).

However, following the Thanksgiving holiday, on Friday, November 25, 2022, Judge Foelak provided a clarification regarding her authority on the schedule extension proposal with

an order stating “The OIP does not authorize the undersigned to postpone the commencement of the hearing.”

For all the reasons set forth above, American CryptoFed respectfully requests the Commission and/or any authorized officer, i) to clarify who has authorities regarding matters related to time schedule, its extension and its adjustment, and ii) to timely approve the schedule extension proposal outlined in American CryptoFed’s Motion to Extend Schedule filed on November 23, 2022, so that the absolute rights of American CryptoFed specified by the due process of Rule 221 (d) Required prehearing conference, Rule 250 (a) Motion for a ruling on the pleadings, and Rule 250 (b) Motion for summary disposition in 30- and 75-day proceedings, can be respected and protected. These Rules 221 (d), 250 (a) and (b) should reflect the spirit of and be protected by the Due Process Clause of the Fifth Amendment of the US Constitution.

Dated: November 25, 2022

Respectfully submitted

DocuSigned by:

*Scott Moeller*

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By /s/ Scott Moeller

Scott Moeller, President

Xiaomeng Zhou, Chief Operating Officer

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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of this **MOTION TO REQUEST CLARIFICATION ON AUTHORIZED DECISION MAKER AND TIMELY DECISION REGARDING MOTION FOR TIME SCHEDULE EXTENSION** was filed by eFAP and was served on the following on this 25th day of November 2022, in the manner indicated below:

By Email:  
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By /s/ Scott Moeller

DocuSigned by:

*Scott Moeller*

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