

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

Administrative Proceedings Rulings
Release No. 6701 / October 29, 2019

Administrative Proceeding
File No. 3-18292

In the Matter of

**Anton & Chia, LLP,
Gregory A. Wahl, CPA,
Michael Deutchman, CPA,
Georgia Chung, CPA, and
Tommy Shek, CPA**

**Order Regarding Witnesses,
Inability to Pay, and Hearing
Transcripts**

Witness Subpoenas

The hearing in this matter is progressing, and the remaining three Respondents should anticipate putting on their cases-in-chief when the Division of Enforcement completes its case, conceivably as early as some point during the third week of the hearing, which will take place from November 18 to 22, 2019.

During their cases-in-chief, it will quite likely behoove Respondents to call witnesses to testify on their behalf in addition to testifying themselves. I will hear both from fact witnesses, who can testify to events that are relevant to the allegations in the order instituting proceedings or Respondents' defenses, and character witnesses, who can speak to the character and integrity of a Respondent.¹ I will also hear from Gregory A. Wahl, CPA's,

¹ If wrongdoing is found, character witnesses are important because character can inform whether one should be denied the privilege of practicing before the Securities and Exchange Commission, and can bear on whether a cease-and-desist order or a civil penalty is warranted. *See Steadman v. SEC*, 603 F.2d 1126, 1140 (5th Cir. 1979), *aff'd on other grounds*, 450 U.S. 91 (1981) (concerning a respondent's sincerity about keeping away from future

(continued...)

expert, John Misuraca. If any Respondent wishes to call a witness, he or she must request that I issue a subpoena to the witness with enough lead time for the witness to make plans to attend the hearing, or to make any other appropriate response to the subpoena. Thus, subpoenas should be requested at least two weeks before a witness is expected to testify. Subpoena forms are available on my office's website: <https://www.sec.gov/alj/subpoena-to-appear.pdf>. This request is directed particularly to Wahl, whose role in this case is substantial and who is representing himself. The Division shall confer proactively with Respondents about when the Division's case-in-chief will likely be complete.

Inability to Pay

Respondents should be aware that under the Securities and Exchange Commission's Rules of Practice, they are permitted to present evidence of an inability to pay, which I can consider in my discretion as a mitigating factor in deciding whether to grant any Division request to impose monetary sanctions. 17 C.F.R. § 201.630. To be clear, claiming an inability to pay is not an admission of liability. A Respondent who establishes an inability to pay will still receive an impartial ruling on the alleged violations at issue, but, in the event that liability is established, could then benefit from my consideration of their financial circumstances.

If any Respondent wishes to claim an inability to pay, he or she should submit a Form D-A (model disclosure of assets and financial information form) by November 18, 2019. The form can be found at <https://www.sec.gov/alj/form-da.pdf>.

A Respondent should attach the following information to the Form D-A as applicable:

- (1) supporting documentation (such as, for example, bank statements, credit card statements, mortgage statements, corporate financial statements, etc.) for all assets, liabilities, income, and expenses claimed on the form;
- (2) any federal tax returns, including business returns, for 2013 and all subsequent years;
- (3) recent pay stubs or other documentation that demonstrate current income;

violations and recognition of wrongdoing); *see also* 15 U.S.C. § 78u-2(c)(5), (6) (concerning the need for deterrence and other matters that justice requires).

(4) any other financial information they deem relevant to my consideration of their inability to pay.

A Respondent who files a Form D-A may also file a motion for a protective order pursuant to Rules 322 and 630(c), 17 C.F.R. §§ 201.322, .630(c), to seal their confidential financial information from public view.

If any Respondent files a Form D-A, I will require each such Respondent to affirm, under oath, the filing at the hearing. The Division will have the right to cross-examination on inability to pay, and to raise other relevant arguments.

Hearing Transcripts

Any Respondent who wishes to obtain a copy of the hearing transcript must purchase it from the court reporting company. 17 C.F.R. § 201.302(b). Respondents should contact my office (alj@sec.gov) for more information about how to order the transcript. The reporting contract allows a respondent in an administrative proceeding to obtain a free copy of the transcript only if the respondent is indigent. I will entertain requests for free copies if the requesting Respondent files a Form D-A as discussed in the prior paragraph.

Jason S. Patil
Administrative Law Judge