

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING

File No. 3-22308

In the Matter of

DAVID M. ANTHONY,

Respondent.

MOTION TO DISMISS

The Division of Enforcement, on consent of Respondent David M. Anthony, respectfully moves the Securities and Exchange Commission (the “Commission”) to dismiss the above-captioned administrative proceeding entitled *In the Matter of David M. Anthony*, File No. 3-22308.

On November 8, 2024, the Commission issued an Order Instituting Proceedings (“OIP”) in this matter against Mr. Anthony pursuant to Section 203(f) of the Investment Advisers Act of 1940 (“Advisers Act”). Concurrently, the Commission instituted proceedings under Section 203(c)(2)(B) of the Advisers Act in the related case of *In the Matter of Epic Capital Wealth Advisors LLC*, File No. 3-22307. On January 23, 2025, the Commission denied the Division of Enforcement’s Motion for Summary Disposition as to both matters, and ordered the matters referred to an Administrative Law Judge for the purpose of a hearing and taking evidence. *See* 2025 SEC LEXIS 266, *5-6. The Commission’s decision indicated that “[a]ll motions, objections, or applications shall be directed to and decided by the presiding hearing officer.” *Id.* at *5. The matters were assigned to the Honorable Carol Fox Foelak, Administrative Law Judge.

On April 2, 2025, the Division of Enforcement, having conferred with Respondent and on his consent, filed a motion with Judge Foelak to dismiss this matter. The motion stated that the

Division intended to continue only with the related administrative proceeding against Epic Capital (*i.e.*, File No. 3-22307). On April 3, 2025, Judge Foelak issued an Order directing the Division of Enforcement to direct its motion to dismiss to the Commission, writing in part: “The motion represents that Mr. Anthony consents to dismissing the proceeding against him but contains no further information bearing on the dismissal request. In light of the unchanged circumstances, and because the Commission initiated the proceeding against Mr. Anthony, the Division should address its dismissal request to the Commission.”

Wherefore, the Division of Enforcement, having obtained the consent of Respondent, respectfully moves the Commission to dismiss the above-captioned administrative proceeding of *In the Matter of David M. Anthony*, File No. 3-22308.

Respectfully submitted this 8th day of April 2025.

/s/ James P. McDonald
James P. McDonald
Division of Enforcement
Securities and Exchange Commission
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served on the following on April 8, 2025, in the manner indicated below:

Mr. David Anthony (via email)
dave@epiccapitalwealth.com

/s/ James P. McDonald _____
Division of Enforcement
Securities and Exchange Commission