

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES ACT OF 1933
Release No. 11133 / November 10, 2022

SECURITIES EXCHANGE ACT OF 1934
Release No. 96299 / November 10, 2022

ACCOUNTING AND AUDITING ENFORCEMENT
Release No. 4364 / November 10, 2022

ADMINISTRATIVE PROCEEDING
File No. 3-21239

In the Matter of

ANDY CHIN FONG CHEN,
CPA

Respondent.

ORDER INSTITUTING PUBLIC
ADMINISTRATIVE PROCEEDINGS AND
IMPOSING TEMPORARY SUSPENSION
PURSUANT TO RULE 102(e)(3) OF THE
COMMISSION'S RULES OF PRACTICE

I.

The Securities and Exchange Commission (“Commission”) deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted pursuant to Rule 102(e)(3)¹ of the Commission’s Rules of Practice against Andy Chin Fong Chen (“Respondent” or “Chen”).

¹ Rule 102(e)(3)(i) provides, in relevant part, that:

The Commission, with due regard to the public interest and without preliminary hearing, may, by order, . . . suspend from appearing or practicing before it any . . . accountant . . . who has been by name . . . permanently enjoined by any court of competent jurisdiction, by reason of his or her misconduct in an action brought by the Commission, from violating or aiding and abetting the violation of any provision of the Federal securities laws or of the rules and regulations thereunder.

II.

The Commission finds that:

A. RESPONDENT

1. Chen, age 54, was licensed in the State of Washington as a Certified Public Accountant in 1990 and the Washington State Board of Accountancy website indicates that he currently holds a valid CPA-Inactive certificate in that state that expires in 2025. From at least 2009 to the present, Chen has been a shareholder, board member, and President of Aero Space Port International, Inc. (“ASPI”), a real estate company owned by Chen’s family that also participated in the United States Citizenship and Immigration Service’s (“USCIS”) Employment-Based Immigration Fifth Preference Program (“EB-5 Program”). As ASPI’s President, Chen is responsible for all of ASPI’s strategic decisions, including overall management of the entity, financial decisions, and specific projects. Chen is the sole signatory on all of ASPI’s bank accounts. From approximately 2011 to 2013, Chen also served as a director for a regional bank.

B. CIVIL INJUNCTION

2. On August 16, 2022, the U.S. District Court for the Western District of Washington entered a final judgment against Chen, permanently enjoining him from future violations, direct or indirect, of Section 17(a)(2) of the Securities Act of 1933 and Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5(b) thereunder. Securities and Exchange Commission v. Chen, et al., Civil Action Number 2:17-cv-0045-JLR.

3. The Commission’s complaint alleged, among other things, that Chen and ASPI fraudulently raised over \$14.5 million from EB-5 Program investors using materially false and misleading statements that the investors’ funds would be used to develop real property in Grant County, Washington enabling them to obtain permanent residency in the United States through USCIS’s EB-5 Program when Chen actually used certain of those funds to, among other things, engage in personal stock trading, satisfy margin calls, pay ASPI’s operating expenses, make lease payments on a luxury automobile, and fund other ASPI-related businesses he controlled.

III.

Based upon the foregoing, the Commission finds that a court of competent jurisdiction has permanently enjoined Chen, a CPA, from violating the Federal securities laws within the meaning of Rule 102(e)(3)(i)(A) of the Commission’s Rules of Practice. In view of these findings, the Commission deems it appropriate and in the public interest that Chen be temporarily suspended from appearing or practicing before the Commission.

IT IS HEREBY ORDERED that Chen be, and hereby is, temporarily suspended from appearing or practicing before the Commission. This Order shall be effective upon service on the

Respondent.

IT IS FURTHER ORDERED that Chen may within thirty days after service of this Order file a petition with the Commission to lift the temporary suspension. If the Commission within thirty days after service of the Order receives no petition, the suspension shall become permanent pursuant to Rule 102(e)(3)(ii).

If a petition is received within thirty days after service of this Order, the Commission shall, within thirty days after the filing of the petition, either lift the temporary suspension, or set the matter down for hearing at a time and place to be designated by the Commission, or both. If a hearing is ordered, following the hearing, the Commission may lift the suspension, censure the petitioner, or disqualify the petitioner from appearing or practicing before the Commission for a period of time, or permanently, pursuant to Rule 102(e)(3)(iii).

This Order shall be served forthwith upon Respondent Chen as provided for in the Commission's Rules of Practice.

The Commission finds that it would serve the interests of justice and not result in prejudice to any party to provide, pursuant to Rule 100(c) of the Commission's Rules of Practice, 17 C.F.R. § 201.100(c), that notwithstanding any contrary reference in the Rules of Practice to service of paper copies, service to the Division of Enforcement of all opinions, orders, and decisions described in Rule 141, 17 C.F.R. § 201.141, and all papers described in Rule 150(a), 17 C.F.R. § 201.150(a), in these proceedings shall be by email to the attorneys who enter an appearance on behalf of the Division, and not by paper service.

By the Commission.

Vanessa A. Countryman
Secretary