

**Respondent's Brief in Response to Commission's July 10, 2020 Order**

**in the Matter re: Feathers 3-15755**

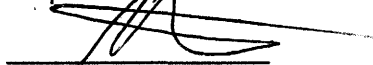
Enforcement argues that Respondent seeks to collaterally attack an adverse summary judgment finding of civil court. Even an eighth grader's reading comprehension skills of Respondent's motion filings would seem to indicate otherwise, to all parties other than Enforcement. This Court, the Commissioners, and, ultimately the 9<sup>th</sup> Circuit will have the chance to concur or not with Respondent's assessment of this assertion after their own readings of Respondent's filings. Respondent pins his arguments to defend himself in these proceedings through summary disposition motion filing and court findings, and, ultimately, to his *Steadman Factors* defense, on only two things:

- FDIC internal reports, investigations, etc., as well as the Small Business Administration's ("SBA") similar reports, if allowed into Court, will show entirely different findings on Respondent and his companies than those findings that SEC submitted under seal to civil court, "*ex parte* and *prima facie*" (Enforcement's description), and employing material false "pro forma" (Enforcement's description) financial descriptions therein, with pejorative descriptions attached to their own false statements AND the Forensic Accounting Report on Respondent's investment funds prepared by Annette Stalker, CPA, which was commissioned by the criminal court of Hon. Lucy Koh, but only after adverse summary judgment on Respondent, and which such judgment Enforcement uses as the basis for these proceedings while asking the Stalker report be ignored entirely. The Stalker Report rebuts, on its face, the grossly false, pejorative, and prejudicial sealed witness statements of Enforcement officers Susan Hannah, Esq., and Roger Boudreau, CPA, which led to a seizure of all of Respondent's personal and business assets, destroyed all viable sources of his income along with his reputation, and has caused him to be *pro se* since Enforcement's seizure based upon their own false and manufactured financial illustrations.

Only a full trial will allow for the potential for due process in these proceedings. FDIC, SBA, and the court-ordered third party forensic accounting report are a step in that direction, and will show now, not too late, there to be a substantial difference in what parties here proffer as facts to the Commission's court. There is no logical or common sense basis for these taxpayer funded reports to not be allowed as evidence into these proceedings. Due process benefits to Respondent along with full transparency in these proceedings (to the public), by way of their opportunity to review reports of FDIC, SBA, and Stalker, should be allowed. Enforcement argues primarily nonsense issues such as "service" failures by Respondent, even while Enforcement and the Court hold awareness that FDIC did not, itself, raise these issues. ***Enforcement's arguments should be a red flag to this Court and to the Commissioners.*** On top of bringing about a seizure of Respondent's assets, and the assets of three hundred of his investors by way of false pretense, Enforcement appears mostly concerned that the *judicial deception* and *fraud-on-the-court* methodologies of their officers will be exposed for what they are, if FDIC, SBA, and the Stalker Reports are not disallowed.

The Commissioners should turn these matters over to SEC's OIG and concurrently to third party experts. The predicate lies and pejorative descriptions of the Commission's Enforcement CPAs, used to rob Respondent's assets and companies from him, should be acknowledged. Respondent holds hope that employees of Enforcements' Western Regional Office during 2011 – 2012 will step forward to bear witness as to criminal conspiracies of Enforcement officers. For, a 23 year-employed CPA of Enforcement could never "accidentally, but in good faith" (actual civil declarations of Enforcement's counsel) add investment fund capital distributions to capital investments, relabel these as "*prima facie*" and "pro forma" illustrations, and on that basis falsely double the amount of actual distributions that Respondent's investment funds were making, then call them "Ponzi" schemes scores of times, *under seal*, using his own false numbers, and bring about an unconstitutional seizure that way. After much conjecture over a period of eight years, Respondent holds belief that this was most likely due to some evangelical, yet criminal, mindset of Boudreau and Hannan, and to help Enforcement keep up a good public front during SEC Madoff-debacle Ponzi Wars of that period.

Respectfully,



Mark Feathers, *pro se*, Respondent

Dated 7-27-20