

Respondent's Request to Terminate Hearings Due to Governmental Abuse of Power, and Violations of the APA, in the Matter re: Feathers 3-15755

Respondent's companies were seized in 2012 by way of an SEC civil action. As background, Respondent graduated with a degree in finance from a public state university. He then served as a naval officer for several years, went back to school, earned his MBA, and went back to work for government as a commercial loan specialist with federal agency the Small Business Administration for two years. From there, Respondent worked for a decade for community banks as their SBA lending specialist. After that time, Respondent formed his own company to make loans to small businesses as a licensed SBA non-bank lender. Respondent was never a "broker", "dealer", etc. Respondent was always a "lender" in the specialty field of making federally guaranteed loans to qualifying small business owners. The entire nexus of Respondent's companies was to make loans. The capital for these loans was raised by Respondent as an "issuer". Never has there been indication in Respondent's civil actions that he engaged in "trading" or "brokering" type activities. And yet, the Commission, a federal agency, for the past eight years, spends substantial time and effort, and at considerable expense to taxpayers, to ban Respondent for life from the securities industry even while in the past Respondent was only an "issuer". Respondent simply raised money for the purpose of making loans to small businesses through a federal agency program, under their licensing authority, and their regulation, in return for his licensing benefits. So, because the Commission is worried about Respondent privately abusing – in the future - the privileges of being a "broker" (whom the Commission undeniably has the authority to regulate) for Respondent's own gain, it prosecutes him, and while there is no historical record that Respondent was anything but an issuer for his own companies.

The architects of the modern administrative state worried about abuse of power by federal agencies. This is an instance of such abuse. Logical bounds are exceeded here. Why? Because there is little, if any, personal repercussion for those individuals employed by the Commission to prosecute Respondent within their administrative law forum. Here we have the Commission both deciding to prosecute a case, and with the Commissioners granted authority to decide this case. Such federal power here is a core violation of the principle of impartiality *nemo iudex in sua causa* ("no man shall be judge in his own cause"). Respondent is a month shy of turning 57, five years removed from qualifying for social security to add to his VA retirement benefits, not in the best of health, but might look forward to retiring in five years with sufficient income to live out his days with income to cover his, and his family's needs. Yet, Respondent, since the age of 49, or for eight years now, has been prosecuted by the Commission. He has lost a well-publicized civil action, a criminal action, and served substantial time in maximum security prisons and federal prison camps. Respondent is enjoined against violating federal securities laws by way of civil proceedings, and enjoined against violating ANY laws by orders of criminal court (until the year 2022 at risk of going back to prison). The Commission has never offered Respondent any type of a "settlement". It has said "take a lifetime ban", or else. This proceeding is the "or else". Respondent respectfully requests a stay in this proceeding in order for Respondent to prepare a circuit action challenging the Commission as abusing its power, with a review of these proceedings against those authorities allowed by way of the Administrative Procedure Act.

And, Enforcement should be allowed a response to this motion by this court, so that it may not raise technical issues in civil court to overturn a decision which may be adverse to it. All parties, including this court and the public, may benefit with such a stay in order to address the issue of federal abuse of power.

Respectfully,

Mark Feathers, *pro se*, Respondent

Dated 7-30-20