

**Motion to Terminate Proceedings Due to Commission Interference with Due Process re: In the Matter of Mark Feathers 3-15755**

Apparently, the Commission itself has perfected methods to not allow the FOIA process be used by a Respondent, at least this Respondent, as a means of gaining evidentiary information which may assist the Commission's own triers of fact.

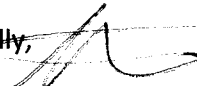
Within the past few weeks (8-2-20), as Respondent has prior outlined to this court, Respondent asked by way of a FOIA request (Exhibit 1) for information which will assist this court. Essentially, Respondent has posed the question to this court, prior, if the Commission benefits in any way, small or large, from the posting of orders, while denying the posting of Respondent's motions? Of note, around June 25 of this year, the Commission started, inexplicably, to post some, or all, of Respondent's motions, but only after he made reference to these matters to this court. Attached please find the acknowledgement of the Commission to Respondent's FOIA request (Exhibit 2). Attached please find the Commission's denial to provide any meaningful response to Respondent's FOIA request by way of the Commission's final response (Exhibit 3).

Respondent asks for a termination of these proceedings for reasons outlined prior. This court should recognize that the Commission's non-response is but just another non-constitutional employment of a coat of armor that the employees of the Commission use to interfere with public knowledge that might be gained about its operations, thereby avoiding transparency of same. Alternatively, Respondent asks for a 180 day in proceedings so that Respondent may file appeal on this matter, in the manner outlined on the Commission's FOIA response of 8-6-20 (Exhibit 3). All parties may benefit from a determination of Respondent's question whether the methods of the court as related to motion posting are but just one means, of many, employed by the Commission in the functioning of what some persons consider to be, perhaps, a kangaroo court for reasons outlined herein and outlined prior by Respondent.

Respondent holds no doubt, and offers his opinion as a matter of public record, and to this court, that the majority of SEC administrative proceedings are for good cause. Apparently, Respondent was caught up in 2011 and 2012 by that "1%" of federal agency law enforcement and quasi-law enforcement (the Commission functions as both, does it not?) that is always referenced in this day and age by public and appointed officials when they say "it is only 1% of federal actors" that are bad apples. With six combined years of federal service in the Department of Defense and with the U.S. Small Business Administration, and the benefit thereby of first hand observations and experiences with scores of federal employees during that period, and another fifteen years as a private industry "partnered" with the U.S. Small Business Administration making federally guaranteed loans to small businesses, Respondent believes that it would be proper to move the decimal and increase this number by 1000%, i.e., it is "10%" that are "bad apples", not just 1%. A confidential "Gallup" type poll of federal employees might reveal the same belief. That is beyond the scope of these proceedings, however.

Respondent respectfully asks this court to take judicial notice of the attached exhibits.

Respectfully,

  
Mark Feathers, *pro se*, Respondent 8-12-20

Exhibits Attached

*Exhibit 1*

FOIA request

From: Mark Feathers [REDACTED]

To: foia@sec.gov

Date: Sunday, August 2, 2020, 08:44 AM PDT

Hello,

I have a FOIA request. I am willing to pay normal processing fees as applicable. I would like to know, in the matter of SEC OIP 3-15755, why Respondent's motions from 6-25-20 were posted on SEC's web site, but not Respondent's earlier motions, from the date of appx. Nov. of 2019 thru the date of June 25 of 2020?

Regards,

Mark Feathers

[REDACTED]  
Menlo Park, CA [REDACTED]

ph. [REDACTED]



UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
STATION PLACE  
100 F STREET, NE  
WASHINGTON, DC 20549-2465

Exhibit 2

Office of FOIA Services

August 03, 2020

Mr. Mark Feathers

[REDACTED]

Menlo Park, CA [REDACTED]

Re: Freedom of Information Act (FOIA), 5 U.S.C. § 552  
Request No. **20-01811-FOIA**

Dear Mr. Feathers:

This letter is an acknowledgment of your FOIA request dated and received in this office on August 03, 2020, for records in the matter of SEC OIP 3-15755.

Your request has been assigned tracking number 20-01811-FOIA. Your request will be assigned to a Research Specialist for processing and you will be notified of the findings as soon as possible. If you do not receive a response after thirty business days from when we received your request, you have the right to seek dispute resolution services from an SEC FOIA Public Liaison or the Office of Government Information Services (OGIS). A list of SEC FOIA Public Liaisons can be found on our agency website at <https://www.sec.gov/oso/contact/foia-contact.html>. OGIS can be reached at 1-877-684-6448 or [Archives.gov](http://Archives.gov) or via email at [ogis@nara.gov](mailto:ogis@nara.gov).

In the interim, if you have any questions about your request, you may contact this office by calling (202) 551-7900, or sending an e-mail to [foiapa@sec.gov](mailto:foiapa@sec.gov). Please refer to your tracking number when contacting us.

For additional information, please visit our website at [www.sec.gov](http://www.sec.gov) and follow the FOIA link at the bottom.

Sincerely,

Office of FOIA Services

Exhibit 3



UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
STATION PLACE  
100 F STREET, NE  
WASHINGTON, DC 20549-2465

Office of FOIA Services

August 06, 2020

Mr. Mark Feathers

[REDACTED]

Menlo Park, CA [REDACTED]

Re: Freedom of Information Act (FOIA), 5 U.S.C. § 552  
Request No. **20-01811-FOIA**

Dear Mr. Feathers:

This letter is in response to your request, dated August 02, 2020 and received in this office on August 03, 2020, for information regarding in the matter of SEC OIP 3-15755.

The primary mission of the U.S. Securities and Exchange Commission is to protect investors and maintain the integrity of the securities markets. The SEC also oversees other key participants in the securities world, including stock exchanges, broker-dealers, investment advisors, mutual funds, and public utility holding companies. The Commission is principally concerned with promoting disclosure of important information, enforcing the securities laws, and protecting investors who interact with these various organizations and individuals.

For your information, the FOIA requires us to disclose records existing at the time we received your request. It does not require us to create records in order to respond to it. See, e.g., NLRB v. Sears Roebuck & Co., 421 U.S. 132, 162 (1975).

Moreover, the FOIA "provides a means for access to existing documents and is not a way to interrogate an agency." See Patton v. United States R.R. Retirement Bd., No. ST-C-91-04-MU, slip op. at 3 (W.D.N.C. April 26, 1991), aff'd, 940 F.2d 652 (4th Cir. 1991) (table cite). It was designed to allow the public to seek access to an agency's records, not to propound questions to an agency. Therefore, we are not obligated to answer questions disguised as a FOIA request. See Hudgins v. IRS, 620 F. Supp. 19, 21 (D.D.C. 1985). Hence, we will not answer the questions in your request, unless we can identify records that contain the requested information.

Mr. Mark Feathers  
August 6, 2020  
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20-01811-FOIA

Consequently, we do not maintain the type of information you are seeking. As such, we have no records responsive to your request..

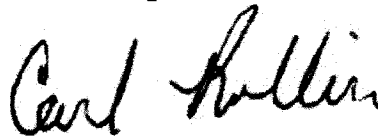
If you still have reason to believe that the SEC maintains the type of information you seek, please provide us with additional information, which could prompt another search. Otherwise, we conclude that no responsive information exists and we consider this request to be closed.

You have the right to appeal the adequacy of our search or finding of no responsive information to the SEC's General Counsel under 5 U.S.C. § 552(a)(6), 17 CFR § 200.80(f)(1). The appeal must be received within ninety (90) calendar days of the date of this adverse decision. Your appeal must be in writing, clearly marked "Freedom of Information Act Appeal," and should identify the requested records. The appeal may include facts and authorities you consider appropriate.

You may file your appeal by completing the online Appeal form located at [https://www.sec.gov/forms/request\\_appeal](https://www.sec.gov/forms/request_appeal), or mail your appeal to the Office of FOIA Services of the Securities and Exchange Commission located at Station Place, 100 F Street NE, Mail Stop 2465, Washington, D.C. 20549, or deliver it to Room 1120 at that address.

If you have any questions, please contact me at [rollinsc@sec.gov](mailto:rollinsc@sec.gov) or (202) 551-8329. You may also contact me at [foiapa@sec.gov](mailto:foiapa@sec.gov) or (202) 551-7900. You may also contact the SEC's FOIA Public Service Center at [foiapa@sec.gov](mailto:foiapa@sec.gov) or (202) 551-7900. For more information about the FOIA Public Service Center and other options available to you please see the attached addendum.

Sincerely,



Carl Rollins  
FOIA Research Specialist

Enclosure

## ADDENDUM

For further assistance you can contact a SEC FOIA Public Liaison by calling (202) 551-7900 or visiting <https://www.sec.gov/oso/help/foia-contact.html>.

SEC FOIA Public Liaisons are supervisory staff within the Office of FOIA Services. They can assist FOIA requesters with general questions or concerns about the SEC's FOIA process or about the processing of their specific request.

In addition, you may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. OGIS can be reached at 1-877-684-6448 or via e-mail at [ogis@nara.gov](mailto:ogis@nara.gov). Information concerning services offered by OGIS can be found at their website at [Archives.gov](http://Archives.gov). Note that contacting the FOIA Public Liaison or OGIS does not stop the 90-day appeal clock and is not a substitute for filing an administrative appeal.