

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-15755

In the Matter of

MARK FEATHERS,

Respondent.

**DIVISION OF ENFORCEMENT’S OPPOSITION TO
FEATHERS’ MOTION TO TERMINATE PROCEEDINGS DUE TO
COMMISSION INTERFERENCE WITH DUE PROCESS**

The Division of Enforcement (“Division”) opposes Respondent Mark Feathers August 12, 2020 “Motion To Terminate Proceedings Due to Commission Interference with Due Process,” (“Motion to Terminate”), which is based upon a request Feathers made under the Freedom of Information Act (“FOIA”) for information about purported missing filings on the Commission’s public website.¹ The Commission’s Office of FOIA Services responded to Feathers that it did not have responsive documents, and of his rights to challenge that determination provided by FOIA. Feathers’ remedies are provided by FOIA, and are separate from this proceeding. There has been no denial of due process in this proceeding, and Feathers’

¹ Based upon the purportedly missing filings, Feathers filed his August 2, 2020 Motion to Direct SEC to Post Prior Motions, which was addressed by the Court in an August 17, 2020 Order. *See Mark Feathers*, Release No. 6784 (Aug. 17, 2020).

Motion to Terminate should be denied.

Based on the Exhibits to Feathers' Motion to Terminate, on Sunday, August 2, 2020, Feathers sent a FOIA request to the Commission. (*See* Feathers' Motion to Terminate, Exhibit 1.) The Commission's Office of FOIA Services promptly acknowledged receipt in a letter dated August 3, 2020. (*Id.*, Exhibit 2.) In a letter dated August 6, 2020, the Office of FOIA Services responded to the Feathers' request. (*Id.*, Exhibit 3). The August 6, 2020 letter states that the Commission has "no records responsive to your request," and informs Feathers of his rights to appeal under FOIA. (*Id.* at p. 2.) To the extent Feathers is dissatisfied with the response from the Commission's Office of FOIA Services, he has an administrative remedy under FOIA. The administrative remedy provides Feathers with due process in connection with his FOIA request.

Feathers' dissatisfaction with the response from the Office of FOIA Services is not a denial of due process in this proceeding. Accordingly, the Motion to Terminate should be denied.

Respectfully submitted,
DIVISION OF ENFORCEMENT
By its Attorneys:

Dated: August 19, 2020

/s/ John B. Bulgozdy
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IN THE MATTER OF MARK FEATHERS
ADMINISTRATIVE PROCEEDING FILE NO. [3-15755]

SERVICE LIST

Pursuant to Commission Rule of Practice 151 (17 C.F.R. § 201.151), I certify that the attached:

**DIVISION OF ENFORCEMENT'S OPPOSITION TO
FEATHERS' MOTION TO TERMINATE PROCEEDINGS DUE TO
COMMISSION INTERFERENCE WITH DUE PROCESS**

was served on August 19, 2020 upon the following parties as follows:

By Email

Vanessa Countryman, Secretary
Securities and Exchange Commission
100 F. Street, N.E., Mail Stop 1090
Washington, DC 20549-1090
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By Email

Honorable James E Grimes
Administrative Law Judge
Securities and Exchange Commission
100 F Street, N.E., Mail Stop 2557
Washington, DC 20549-2557
Email: alj@sec.gov

By Email and U.S. Mail

Mark Feathers

Menlo Park, CA

Email:

Pro Se Respondent

Dated: August 19, 2020

/s/ Sarah Mitchell

Sarah Mitchell