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' REQUEST FOR SANCTIONS AGAINST ENFORCEMENT SENIOR TRIAL PROSECUTOR AND REQUEST FOR JUDICIAL NOTICE OF DISTRICT COURT ORDERS <u>IN "MARK FEATHERS V. ROGER BOUDREAU"</u>

The Division of Enforcement ("Division") opposes Respondent Mark Feathers' latest request for sanctions and to terminate the proceedings. Feathers complains that "Enforcement knowingly presents false, misleading, and harmful information to this court," but fails to identify what is false and misleading. The Division and the hearing officer are left to speculate as to how and when one of the Division's lawyers made statements that are "knowingly" false and misleading. In this follow-on proceeding, the Division is relying on the record in the injunctive proceeding *SEC v. Small Business Capital Corp., et al.*, ("*SEC v. SBCC*") Case No. 5:12-cv-3237-EJD (N.D. Cal.), *aff'd sub nom SEC v. Feathers*, 774 Fed. App'x 354 (9th Cir. 2019), *amended as to costs*, 773 Fed. App'x 929 (Mem) (9th Cir. 2019). Feathers referenced his criminal case and sentencing in his answer, and the Division has referenced items from that proceeding in its motion for summary disposition. The Division has also noted some of

Feathers' other litigation. These are factual matters, and do not involve any knowing presentation of false or misleading information.

The Division does not dispute that some of the factual information it presents is "harmful" to Feathers, to the extent that it addresses his prior violations of the federal securities laws, the permanent injunction entered against him, his criminal conviction, and his efforts to blame others for his conduct. That Feathers does not agree with this factual information, or does not like it, does not make it false or misleading, or provide cause for a motion for sanctions or termination of this proceeding.

The Request for Sanctions should be denied in all respects.

Respectfully submitted, DIVISION OF ENFORCEMENT By its Attorneys:

Dated: August 25, 2020

/s/ John B. Bulgozdy

John B. Bulgozdy Lynn Dean Securities and Exchange Commission 444 S. Flower Street, Suite 900 Los Angeles, CA 90071 Telephone: (323) 965-3322 Email: bulgozdyj@sec.gov Email: deanl@sec.gov

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' REQUEST FOR SANCTIONS AGAINST ENFORCEMENT SENIOR TRIAL PROSECUTOR AND REQUEST FOR JUDICIAL NOTICE OF DISTRICT COURT ORDERS IN "MARK FEATHERS V. ROGER BOUDREAU"

was served on August 25, 2020 upon the following parties as follows:

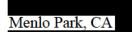
By Email

Vanessa Countryman, Secretary Securities and Exchange Commission 100 F. Street, N.E., Mail Stop 1090 Washington, DC 20549-1090 Facsimile: (703) 813-9793 Email: apfilings@sec.gov

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: <u>alj@sec.gov</u>

By Email and U.S. Mail Mark Feathers



Pro Se Respondent

Dated: August 25, 2020

/s/ Sarah Mitchell

Sarah Mitchell