

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-15755

<p>In the Matter of</p> <p style="text-align:center">MARK FEATHERS,</p> <p>Respondent.</p>

**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”**

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
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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’ 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: alj@sec.gov

By Email and U.S. Mail

Mark Feathers
[REDACTED]
Menlo Park, CA
[REDACTED]

Pro Se Respondent

Dated: August 25, 2020

/s/ Sarah Mitchell

Sarah Mitchell